

ENTER for ETHICS and the RULE of LAW
UNIVERSITY of PENNSYLVANIA

ANNUAL REPORT 2016-2017



Penn Law
UNIVERSITY of PENNSYLVANIA LAW SCHOOL

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ABOUT CERL

CERL is a nonpartisan interdisciplinary institute dedicated to the preservation and promotion of the rule of law in twenty-first century warfare and national security. CERL brings high-level academic expertise to bear on the difficult ethical and legal questions that arise in contemporary national security practice. The Center unites scholars and policymakers in a robust, interdisciplinary conversation across fields such as philosophy, political science, psychology, security studies, medicine, engineering, and law. CERL collaborates extensively with all three military services, as well as with actors in the private sector to understand the challenges faced by executives in the global defense industry. Establishing, maintaining, and expanding its network of relationships across many fields is key to CERL's success. CERL seeks to raise public consciousness and influence policy through published volumes, policy papers, informative conferences and briefings, large public events, and media outreach.



From left: Executive Board Chair Paul Haaga, Jr., Faculty Director Claire Finkelstein, Founding Executive Board Chair William Craven, and Executive Director David Sadoff

LETTER FROM THE FACULTY DIRECTOR

Dear Friends,

With ever greater focus on rule of law values, coupled with increasingly severe challenges to global national security, I am particularly proud this year of the accomplishments of the Center for Ethics and the Rule of Law. CERL has been at the cutting-edge of combined rule of law and national security analysis since its inception in 2012. CERL's contribution to thoughtful, interdisciplinary exploration of foundational questions in national security continues to deepen. I am pleased to share with you some of the highlights of our 2016-17 season, which has been a remarkable one for CERL.

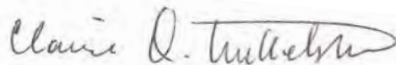
In the 2016-17 season, CERL's programming displayed a broader focus than in previous years, while enabling interesting and innovative partnerships with like-minded organizations both at Penn and beyond. CERL began the year with a day-long symposium addressing the cultivation of public leaders of character and integrity, followed by a radio broadcast before a live audience devoted to sexual and combat trauma. We then held a two-day conference examining how law can be used to combat violent non-State actors, followed by a program on preserving cultural heritage in times of war. Finally, we held a half-day symposium on foreign interference with democratic institutions, with a spotlight on Russian meddling in the 2016 U.S. Presidential election. With a focus in the 2017-18 season on ethical dilemmas of journalists working in the national security space, an exploration of bargaining to reduce the nuclear threat emanating from North Korea, and a program on the militarization of outer space, CERL's programming and research agenda continues to broaden, as we apply the rigorous analysis on ethics and rule of law values for which CERL is known to issues of increasing complexity.

We are delighted that the 2016-17 year also saw an expansion in our partnerships with other organizations. Within the University, CERL partnered with the Perry World House, the Penn Museum, the Penn Center for Middle East Studies, and the Annenberg School for Communication, among others. Beyond Penn's walls, CERL has collaborated with the U.S. Military Academy, the U.S. Air Force, Symantec Corporation, Lockheed Martin, the law firm of Cozen O'Connor, and the American Enterprise Institute (AEI). Such partnerships have enriched CERL's programming and continue to broaden our horizons as we address core aspects of democratic governance relating to national security.

This year, CERL was blessed with a strong cadre of fellows to help craft documents, shape programming, and provide advice. We also had an impressive and hardworking interdisciplinary group of summer interns, many of them from other countries, who conducted legal research, drafted policy papers, and prepared event websites. With their assistance, CERL has finally entered the world of social media, launching Facebook and Twitter sites! Please visit our social media pages and help grow this new public engagement.

We appreciate the support we have received to enable us to continue presenting high quality programs and issuing thoughtful publications with the aim of raising public consciousness and influencing governmental policy. We look forward to another eventful year in 2017-18.

Sincerely,



Claire Finkelstein, Faculty Director

LETTER FROM THE EXECUTIVE BOARD CHAIR

Dear Friends,

On behalf of the Executive Board, I am pleased to report that the 2016-17 season was another exciting, if not transformative, year in CERL's rapid emergence into a leading ethics and national security policy center. As in years past, the Center offered a diverse range of newsworthy programs that took a fresh look at national security issues, most importantly through the lens of ethics and national security concerns. CERL's events consistently attract high-level academic and policy experts, and this year was no exception as we welcomed Brazilian Judge Sergio Mora, UNESCO Director-General Irina Bokova, former CIA and NSA director General Michael Hayden, and South African constitutional jurist Richard Goldstone, among others. I continue to marvel at how CERL, despite its youth and size, manages to do so much so well.

The 2016-17 season brought several important developments. First, we have added several individuals to help advance CERL's work. CERL welcomed its inaugural Executive Director, Dr. David Sadoff, who brings an ideal mix of skills and background as a former national security practitioner and general counsel to a rule of law organization, as well as an impressive book in international law. Dr. Sadoff has seamlessly moved into his new role and is already measurably adding value to CERL's work.

In addition, several prominent individuals have just joined the CERL Executive Board. Vivian Berger is Professor Emeritus at Columbia Law School, and former General Counsel of the ACLU; Sean Carter is partner with the Philadelphia-based firm of Cozen O'Connor; and John Giordano is a national security lawyer with Archer Law. Derek Gillman, former Director of the Barnes Foundation and Distinguished Teaching Professor at Drexel, joined our Council of Advisors. We are delighted to welcome them all to the CERL family.

Second, during the 2016-17 season, CERL began issuing policy briefing papers, intended to supplement its academic publishing and to weigh in on topical national security and rule of law issues in a way that serves the needs of government decision-makers. CERL's inaugural briefing paper, which was distributed to executive and legislative branch officials, members of the news media, and CERL stakeholders, provided concrete recommendations at the critical intersection between opioid overuse and veterans' mental health challenges. The paper has already been cited widely and has garnered the attention of political leaders.

Third, CERL had its most successful year ever in its summer internship program. With collaborative engagement from Cozen O'Connor, Symantec Corporation, and a generous gift from Law School alumnus Captain Robert Fuller, CERL was able to bring important speakers and practitioners to Penn Law to meet with our interns and to help guide CERL's work.

I wish to thank CERL's supporters and donors for their continued generosity, as well as to acknowledge the extraordinary contribution of my fellow Board members. They, like all our sponsors and intellectual partners, are deeply committed to CERL's mission and activities and contribute in many ways, seen and unseen. We look forward to another engaging season as CERL continues to broaden its reach and deepen its impact.

Sincerely,



Paul Haaga, Jr., Executive Board Chair

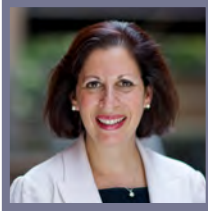
PEOPLE

The foundation of CERL's success lies in its people. From Executive Board members, to CERL interns as well as staff, partners on Penn's campus, and conference participants, the Center relies on the expertise of many individuals to further its mission. Cultivating relationships across sectors and academic disciplines is central to CERL's commitment to creating diversified discourse on some of the most difficult issues of our time. The Center has become a facilitator of conversation and a bridge connecting the academic, private, and public communities. We owe this success to the energy and dedication of CERL's affiliates.



*Front row from left: William Craven, Harold Berger, Claire Finkelstein, Arlene Fickler, David Sadoff, Christopher Morris
Back row from left: Paul Haaga, Jr., Stephen Xenakis, Kevin Govern, Duncan MacIntosh*

EXECUTIVE BOARD



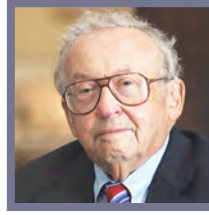
CLAIRE FINKELSTEIN

Founder and Faculty Director of CERL; Algernon Biddle Professor of Law and Professor of Philosophy, University of Pennsylvania



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CERL Executive Board Chair; NPR Board of Directors; formerly the Chairman of the Board, Capital Research and Management Company (retired)



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Partner, Schnader Harrison Segal & Lewis LLP



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Professor of Law, Ave Maria School of Law



DUNCAN MACINTOSH

Professor of Philosophy, Dalhousie University



ALBERTO MORA

Senior Fellow, Harvard Kennedy School, Carr Center for Human Rights Policy



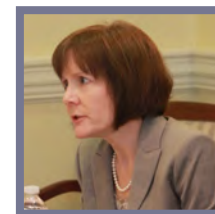
CHRISTOPHER W. MORRIS

Professor of Philosophy, University of Maryland



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Vice Dean and Professor of Law, Cornell University Law School



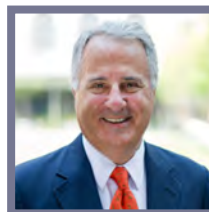
CONNIE ROSATI

Professor of Philosophy, University of Arizona



STEPHEN XENAKIS

Brigadier General (Ret.), U.S. Army; Erik Erikson Scholar, The Austen Riggs Center



JULES ZACHER

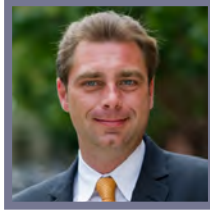
Attorney-at-Law; Board Member for the Council for a Livable World

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Richard Perry Professor and Inaugural Director, Perry World House; Professor of Law, University of Pennsylvania



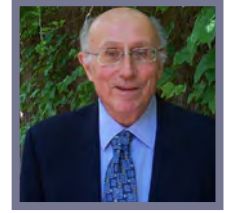
STUART DIAMOND

Emeritus Practice Professor of Legal Studies and Business Ethics, the Wharton School of the University of Pennsylvania



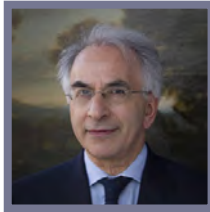
EDNA B. FOA

Professor of Clinical Psychology in Psychiatry; Director of the Center for the Treatment and Study of Anxiety, University of Pennsylvania



DAVID GAUTHIER

Professor Emeritus, Philosophy Department, University of Pittsburgh



DEREK GILLMAN

Distinguished Teaching Professor, Visual Studies, Drexel University



MICHAEL C. HOROWITZ

Professor of Political Science, University of Pennsylvania



DAVID S. JONAS

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Nemirovsky Family Dean of Penn Engineering, University of Pennsylvania



MARTIN LEDERMAN

Associate Professor of Law, Georgetown University



SHARON LLOYD

Professor of Philosophy, Law, and Political Science, University of Southern California



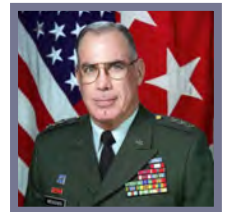
LARRY MAY

W. Alton Jones Professor of Philosophy, Professor of Law, Professor of Political Science, Vanderbilt University



JEFF MCMAHAN

White's Professor of Moral Philosophy, University of Oxford



PAUL E. MENOHER, JR.

Lieutenant General (Ret.), US Army



MARY ELLEN O'CONNELL

Robert and Marion Short Professor of Law; Research Professor of International Dispute Resolution, University of Notre Dame



HARVEY RUBIN

Director of the Institute for Strategic Threat Analysis and Response (ISTAR); and Associate Dean for Student Affairs in the School of Medicine, University of Pennsylvania



STEPHEN SHELLER

Founding Partner, Sheller P.C.

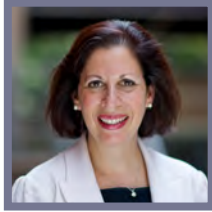


ROGERS SMITH

Christopher H. Browne Distinguished Professor of Political Science, University of Pennsylvania

PERSONNEL

LEADERSHIP



CLAIRE FINKELSTEIN
CERL Faculty Director

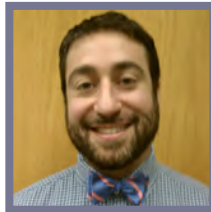


DAVID SADOFF
CERL Executive Director

FELLOWS



**LAURENCE NEILL
NATHAN**
*CERL Visiting Fellow;
Professor and Director for
the Centre for Mediation in
Africa, University of Pretoria*



NICHOLAS SAIDEL
CERL Fellow



CARLTON HAELIG
CERL Junior Fellow

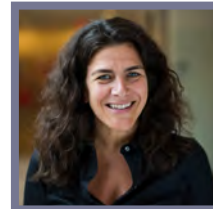
FACULTY SUPPORT STAFF



ELISABETH AULEPP
Faculty Events Coordinator



JENNIFER EVANS
*Assistant Supervisor
and Center & Institute
Coordinator*



DEBBIE RECH
Director for Faculty Events

EVENTS 2016-2017

PRODUCING LEADERS OF CHARACTER AND INTEGRITY: INSTILLING VALUES INTO PUBLIC LIFE

September 15, 2016

The symposium featured a keynote address by Judge Sergio Moro, a Brazilian federal judge who gained international attention for his work fighting corruption in Latin America, and Dr. Albert C. Pierce, Director and Founder of the Institute for National Security Ethics and Leadership at the National Defense University (NDU) in Washington, D.C. The five expert-panel sessions worked to conceptualize ethical leadership, identify the challenges that impede its cultivation, and explore impact that educational, military, political, professional, and business institutions can make to the development of an ethical leader.



From left: Gen. Carol Eggert, Col. Jeffrey Peterson, Dr. Jaye Goosby Smith, Rear Adm. James McPherson, Lt. Gen Dirk Jameson, and Prof. Claire Finkelstein



From left: Prof. Tulia Falleti, Col. Lawrence Wilkerson, Mr. Nelson Thayer, Ms. Mary McDaniel, and Prof. Mitch Berman



Dr. Albert Peirce delivers the lunchtime keynote

PRODUCING LEADERS OF CHARACTER AND INTEGRITY: INSTILLING VALUES INTO PUBLIC LIFE



THURSDAY, SEPTEMBER 15, 2016

Fitts Auditorium, University of Pennsylvania Law School
3501 Sansom Street, Philadelphia, PA 19104

This symposium will focus on concepts of ethical leadership and explore the contribution that educational, military, political, professional and business institutions can make towards the development of ethical leaders. CERL's contribution to this topic reflects its focus on rule of law values: where individuals have internalized respect for the rule of law their stewardship is both ethically grounded and maximally effective.



Thanks to the following for their support:



KEYNOTE SPEAKER

Judge Sergio Moro, Brazil

AGENDA

8:00 – 9:00 AM

Registration, Breakfast, and Welcoming remarks

9:00 – 10:15 AM

Panel 1: Character and the Rule of Law

Can respect for the rule of law be cultivated in future leaders and how can institutions contribute to that process? Does the legal profession have a special role to play in enhancing respect for the rule of law?

10:30 – 11:45 AM

Panel 2: Inculcating virtue: Education and Modern Leadership

What are the roles of character and environment, respectively, in creating ethical leaders? Should educators seek to cultivate virtuous citizens?

Lunchtime Keynote: Dr. Albert Pierce

**Professor of Ethics and National Security,
National Defense University (NDU)**

12:45 – 2:00 PM

Panel 3: Military Leadership and Character Development

Officer training focuses on character development. Should the military model serve as a basis for leadership cultivation in the rest of society?

2:15 – 3:30 PM

Panel 4: The Dark Side of Leadership

Effective leaders often have character traits that some might think of as vices. Are effective leaders always virtuous? Is there a distinction between real and faux leaders?

3:45 – 5:00 PM

Panel 5: Dilemmas in Corporate and Political Leadership

Is there a distinction between the desirable character traits and duties of a business leader and those of a political leader? Is ethical leadership in the corporate sector the same or different from ethical leadership in the political arena?

5:15 – 6:45 PM

Keynote Address – Judge Sergio Moro, Brazil

Through his campaign against corruption, reaching the top echelons of Brazil's business and political leadership, Judge Moro has emerged as an international defender of the rule of law. In this keynote address, Judge Moro will focus on his efforts to enhance rule of law values in Brazil.

Cocktail Reception to follow

PLEASE REGISTER HERE:

https://www.law.upenn.edu/newsevents/calendar.php#event_id/53148/view/event_cerl@law.upenn.edu

www.law.upenn.edu/institutes/cerl



Top and middle left: Judge Sergio Moro delivers the keynote address

Middle right: Judge Sergio Moro speaks with students

Bottom: Judge Sergio Moro and Prof. Claire Finkelstein





PRODUCING LEADERS OF CHARACTER AND INTEGRITY

Instilling Values into Public Life

September 15, 2016

Press Release

Are Effective Leaders also Ethical Leaders? Ethics Center Explores Character and Integrity in Leadership and Public Life

Are Effective Leaders also Ethical Leaders? Ethics Center Explores Character and Integrity in Leadership and Public Life
On September 15, 2016, the Center for Ethics and the Rule of Law (CERL) at the University of Pennsylvania Law School will host a one-day symposium titled “Producing Leaders of Character and Integrity: Instilling Values into Public Life.” The event features a keynote address by Judge Sergio Moro, a Brazilian federal judge who gained international attention for his work fighting corruption in Latin America.

Over the course of five expert-panel sessions, the symposium will work to conceptualize ethical leadership, identify the challenges that impede its cultivation, and explore impact that educational, military, political, professional, and business institutions can make to the development of an ethical leader.

Panelists include senior members of the military such as Col. Lawrence Wilkerson, Former Chief of Staff to Colin Powell, Admiral James McPherson, Lt. Gen Dirk Jameson, and Purple Heart recipient Gen. Carol Eggert; academics such as Prof. Michael Useem from Wharton, Prof. Nancy Sherman from Georgetown, and Prof. Mark Doorley from Villanova; and senior political leaders like Congressman Mickey Edwards. Panel topics will include character and the rule of law, education and modern leadership, military leadership and character development, the dark side of leadership, and dilemmas in corporate and political leadership.

There will be a lunchtime keynote by Dr. Albert C. Pierce, Director and founder of the Institute for National Security Ethics and Leadership at the National Defense University (NDU) in Washington, D.C. Founding director of the Center for the Study of Professional Military Ethics (now known as the Vice Admiral James B. Stockdale Center for Ethical Leadership) at the U.S. Naval Academy in Annapolis, Maryland, Dr. Pierce was a defense correspondent for NBC News and Deputy Director of the Strategic Concepts Development Center (SCDC), an in-house think tank established by Defense Secretary Casper Weinberger. He also served as Assistant to the Secretary of Defense.

The symposium’s keynote address will be delivered by Judge Sergio Moro, a leader in the emergence of rule of law governance in Brazil. He has been heralded for his judicial stewardship of “Operation Car Wash,” an investigation that uncovered a Brazilian money laundering and graft scheme involving the movement of nearly \$3 billion and implicating business and political leaders at the highest levels. Both Time and Fortune have named him one of the most influential people in the world.

“Judge Moro’s commitment to the rule of law and fighting corruption has made him a testament to the power of leading with character and integrity,” said Claire Finkelstein, Algernon Biddle Professor of Law and Professor of Philosophy, and the Director of the Center for Ethics and the Rule of Law. “This symposium will convene a diverse group of experts to explore the nature of ethical leadership and how institutions can best nurture it.”

CERL brings a unique perspective to the cultivation of ethically sophisticated leaders because of its focus on rule-of-law values: where individuals respect the rule of law, their leadership is arguably ethically grounded and maximally effective.

The symposium will be held at Penn Law with the support of the Wharton School’s Center for Leadership and Change Management; the Ethics Program at Villanova University; InitBridge, a Philadelphia-based global partnership firm; the Office of the Provost of the University of Pennsylvania; and the Latin American and Latino Studies Program of the University of Pennsylvania.

WHYY VOICES IN THE FAMILY: UNDERSTANDING TRAUMA IN SEX AND WAR

September 22, 2016

In partnership with WHYY-FM, CERL assembled a panel of experts to examine the impact of sexual violence on combatants and civilian victims. Discussions included the nuances of sexual and combat trauma, and their implications for possible treatments in the civilian and military behavior health contexts, among a host of other pressing issues in this underreported dimension of post-combat life. What signs and symptoms are common among trauma victims? How are victims' experiences different and what treatments are considered most effective? How should educational and military institutions broach the subject of post-traumatic stress disorder? Finally, when should sufferers of post-traumatic stress seek help and where should they seek it? The diverse experiences of the assembled panel helped present a wide range of perspectives on these questions and others, furthering CERL's aim to examine the moral implications of war from the perspective of veterans' post-war experiences.

The program aired on November 14, 2016 and can be listened to here:
<https://soundcloud.com/why-public-media/voices-in-the-family-responding-to-trauma>



Top: From left: Dr. Dan Gottlieb, Lt. Col. Bill Russell Edmonds, Prof. Susan Brison, Dr. Stephen Xenakis

Bottom: Prof. Claire Finkelstein delivers the introduction



The **C**enter for **E**thics and the **R**ule of **L**aw in partnership with **WHYY**
invite you to

UNDERSTANDING TRAUMA IN SEX AND WAR



**DR. DAN
GOTTLIEB**

Host, WHYY's
Voices in the Family



**DR. STEPHEN
XENAKIS**

M.D., Brigadier General (ret),
U.S. Army



**SUSAN
BRISON**

Author of *Aftermath: Violence and
The Remaking of Self*



**COL. BILL
EDMONDS**

Author of *God is Not Here:
A Soldiers Struggle with
Torture, Trauma, and the
Moral Injuries of War*

THURSDAY, SEPTEMBER 22, 2016

4:00 p.m. – 6:00 p.m.

Fitts Auditorium, University of Pennsylvania Law School
3501 Sansom Street, Philadelphia, PA 19104

The impact of sexual violence on victims is severe, so severe that it has been compared by many professionals to the impact of war on combatants and civilian victims. What can the comparison between sexual and combat trauma teach us about the nature of trauma? Studying post-Traumatic Stress across civilian and military behavioral health contexts may offer new answers for those whose lives have been permanently marked by traumatic events. In partnership with University of Pennsylvania Law School's Center for Ethics and the Rule of Law (CERL), Dr. Dan Gottlieb and a panel of experts will examine the impact of trauma in both contexts. What do different types of trauma have in common? How are they different and what treatments are effective in each case? What are the signs and symptoms of post-traumatic stress and how can should educational and military institutions deal with the human vulnerability to Post-Traumatic Stress? Finally, when should sufferers of Post-Traumatic Stress seek help and where should they seek it? This event will be recorded for future broadcast on WHYY-FM.

ADMISSION

This event is free for all Penn Faculty, Staff, Students and Holders of Military and Veterans IDs.

Register on Penn Law:

https://www.law.upenn.edu/newsevents/calendar.php#event_id/53284/view/event

For all others please register here:

<https://www.whyy.org/events/voicestrauma.php>



This program has been approved for 2.0 ethics CLE credits for Pennsylvania lawyers. CLE credit may be available in other jurisdictions as well. Attendees seeking CLE credit should bring separate payment in the amount of \$80.00 (\$40.00 public interest/non-profit attorneys) cash or check made payable to The Trustees of the University of Pennsylvania.

USING LAW TO FIGHT TERROR: LEGAL APPROACHES TO COMBATING VIOLENT NON-STATE ACTORS

October 27-29, 2016

The emergence of Al Qaeda, Islamic State in Iraq and Syria, and their accompanying lone wolf domestic attacks has made combating violent extremism the most pressing national security concern for the U.S. and its allies. The nation's tactics for eliminating this threat have been concentrated on military action, yet the ethical and legal framework surrounding these operations has never been clearly articulated. This event brought together a wide and prominent group of policy makers, highly placed military leaders, and scholars from a variety of disciplines to collaborate in the development and implementation of strategic complements to current military practice in confronting violent non-state actors. The first day of the conference featured a keynote panel that included Dr. Abbas Kadhim, Middle East and Islam Expert at Johns Hopkins University; Professor Patricia Viseur Sellers, Special Advisor to the Prosecutor of the International Criminal Court; Brigadier General John Baker, Chief Defense Counsel for the U.S. Military Commissions; and Brigadier General Charles Pede, Commanding General and Commandant, The Judge Advocate General's Legal Center and School. The second day of the conference featured a keynote address by Secretary William Lietzau, former Deputy Assistant Secretary of Defense for Rule of Law and Detainee Policy. The third and final day of the conference featured Jessica Stern, the author of *ISIS: State of Terror*, *Terror in The Name of God: Why Religious Militants Kill*, and *The Ultimate Terrorist*.



Brig. Gen. Charles Pede, Dr. Abbas Kadhim, Prof. Patricia Viseur Sellers, Brig. Gen. John Baker, Prof. Claire Finkelstein



Evan Seamone, Brig. Gen. Charles Pede, and Prof. Claire Finkelstein

**USING LAW TO
FIGHT TERROR:
LEGAL
APPROACHES
TO COMBATTING
VIOLENT
NON-STATE
ACTORS**



THURSDAY, OCTOBER 27, 2016

4:30-6:30 p.m. | Perry World House | University of Pennsylvania | Philadelphia, PA 19104

Keynote Panel: Using Law to Fight Terror: Can the Law Create Credible Disincentives to Extremist Violence?

Since 9/11, the predominant response to Al-Qaeda and later ISIS by the U.S. and its allies has been military in nature, whether aerial bombardments or targeted killing operations conducted in theater or by remotely piloted drones. A distinguished group of experts will explore using the law to create alternative or supplementary methods for addressing violent extremism on the part of non-state actors.

PANELISTS



Dr. Abbas Kadhim
*Middle East and Islam Expert,
Johns Hopkins University*



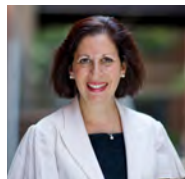
Professor Patricia Viseur Sellers
*Special advisor International
Criminal Court*



Brigadier General John Baker
*Chief Defense Counsel US Military
Commissions, Guantanamo*



Brigadier General Pede
*Commanding General and
Commandant, The Judge Advocate
General's Legal Center and School*



MODERATOR

Professor Claire Finkelstein
*Algernon Biddle Professor of Law and Professor of Philosophy, Director, Center for Ethics
and the Rule of Law, University of Pennsylvania*

This event is free and open to the public
Public Reception to Follow

This program has been approved for 2.0 ethics CLE credits for Pennsylvania lawyers. CLE credit may be available in other jurisdictions as well. Attendees seeking CLE credit should bring separate payment in the amount of \$40.00 (\$20.00 public interest/non-profit attorneys) cash or check made payable to The Trustees of the University of Pennsylvania.

CO-SPONSORED BY THE CAROL AND LAWRENCE ZICKLIN CENTER FOR BUSINESS ETHICS RESEARCH AT WHARTON
AND PERRY WORLD HOUSE



Top: Secretary William Lietzau

Middle: Faculty Director Claire Finkelstein moderates a conversation with Secretary William Lietzau and U.K.'s Director of Service Prosecutions Andrew Cayley

Bottom: Dinner for conference participants



PRESENTS

USING LAW TO
FIGHT TERROR:
LEGAL
APPROACHES
TO COMBATTING
VIOLENT
NON-STATE
ACTORS



FRIDAY, OCTOBER 28, 2016

4:30-6:30 p.m. | Fitts Auditorium | University of Pennsylvania | Philadelphia, PA 19104

Old Laws, New Wars: International Law in an Era of Terrorism

Secretary William Lietzau, former Deputy Assistant Secretary of Defense for Rule of Law and Detainee Policy, will discuss the role of international law and the rule of law in combating terrorism.

KEYNOTE SPEAKER



Secretary William Lietzau

Former Deputy Assistant Secretary of Defense for Rule of Law and Detainee Policy

COMMENTATOR



Andrew T. Cayley, CMG QC

United Kingdom's Director of Service Prosecutions and former Prosecutor of the Cambodian Tribunal, ICC, and ICTY

This event is free and open to the public
Public Reception to Follow

This program has been approved for 2.0 ethics CLE credits for Pennsylvania lawyers. CLE credit may be available in other jurisdictions as well. Attendees seeking CLE credit should bring separate payment in the amount of \$40.00 (\$20.00 public interest/non-profit attorneys) cash or check made payable to The Trustees of the University of Pennsylvania.

CO-SPONSORED BY THE CAROL AND LAWRENCE ZICKLIN CENTER FOR BUSINESS ETHICS RESEARCH AT WHARTON
AND PERRY WORLD HOUSE

AN EVENING WITH CERL BOARD MEMBERS: COCKTAILS AND CONVERSATION

February 25, 2017

On February 25, 2017, CERL Executive Board Chair Paul Haaga hosted a dinner for accomplished professionals and friends of CERL at the home of Faculty Director Claire Finkelstein. Substantive presentations were delivered by CERL Executive Board Members Dr. Stephen Xenakis and Jules Zacher, Esq., on the ethics of interrogation and nuclear security under the Trump Administration, respectively; and by CERL Council of Advisors Member Professor Derek Gillman on the preservation of art and culture in times of armed conflict. Among the guests were Brig. Gen. (Ret.) Carol Eggert, Vice President at Comcast; Mr. Patrick Kelley, Chief Compliance Officer, Office of FBI Integrity and Compliance; Ms. Kyra McGrath, Chief Operating Officer at WHYI, Inc.; Mr. M. Night Shyamalan, Film Writer and Director; and Professor Michael Useem, Director of the Center for Leadership and Change at the Wharton School.



Above left: Stephen Xenakis, Helen Pudlin, Michael Useem, Betsey Useem; Above Right: Peter McGrath, Kyra McGrath, Paul Haaga, Jr.; Below: Guests listen to a presentation by Claire Finkelstein



Above: W. Craig Williams, Jennifer Arbittier Williams, Christine Kantrowitz, Steven Kantrowitz



Right: Claire Finkelstein, M. Night Shyamalan, Kyra McGrath, and others listen to a presentation



Above: Jules Zacher presents to dinner guests

Right: Patrick Kelley and Lizanne Kelley



PRESERVING ART AND CULTURE IN TIMES OF ARMED CONFLICT

April 4-6, 2017

This two-and-a-half day conference attempted to solidify the moral and legal basis for preserving art and culture against destruction, and the extent of the duty to do so. Should we risk lives to protect art and culture? Or should we intervene in the destruction of culture only when it is incident to our other military aims? The conference also examined how art is used to fund terrorism and what methods and means can be introduced to eliminate the black market in looted art. The conference ended with discussions on efforts to bring perpetrators to justice and to create an international legal framework for preventing such incidents in the future. These topics were discussed by panelists: Hon. Richard Goldstone, a retired Justice of the Constitutional Court of South Africa; Professor Karima Bennoune, a Professor of International Law at the University of California-Davis School of Law and United Nations Special Rapporteur in the field of cultural rights; Director-General Irina Bokova, UNESCO; Professor Derek Gillman, Distinguished Teaching Professor at Westphal College of Media Arts and Design, Drexel University; and Ms. Shamila Batohi, a Senior Legal Advisor to the Prosecutor at the International Criminal Court.



From left: Dr. Richard Leventhal, The Honorable Richard Goldstone, Shamila Batohi, Director-General Irina Bokova, Prof. Derek Gillman, Prof. Karima Bennoune



Round table discussion



THE CENTER FOR ETHICS AND THE RULE OF LAW
&
PENN MUSEUM
present

**PRESERVATION OF ART AND
CULTURE
IN TIMES OF WAR:
NEW FRONTIERS
IN THE PROTECTION OF
CULTURAL HERITAGE**

TUESDAY, APRIL 4, 2017

5:00-6:30 p.m.

Harrison Auditorium, followed by reception in the Chinese Rotunda

3:30 p.m.

**Exhibition Preview – *Cultures in the Crossfire: Stories from Syria and Iraq*
Penn Museum | 3260 South Street | Philadelphia, PA 19104**

MS. SHAMILA BATOHI *Senior Legal Advisor, International Criminal Court*

PROFESSOR KARIMA BENNOUNE *United Nations Special Rapporteur, cultural rights*

DIRECTOR-GENERAL IRINA BOKOVA *Director-General, UNESCO*

PROFESSOR DEREK GILLMAN *Distinguished Teaching Professor, Westphal College of Media Arts & Design, Drexel University*

HON. RICHARD GOLDSTONE *Retired Justice, Constitutional Court of South Africa*

DR. RICHARD LEVENTHAL (MODERATOR) *Director, Penn Museum's Penn Cultural Heritage Center*

**\$20 general admission includes a cocktail reception and opportunity to preview the new exhibition
Cultures in the Crossfire: Stories from Syria and Iraq; free for PennCard holders.**

This program has been approved for 1.5 CLE ethics credits for Pennsylvania lawyers. CLE credit may be available in other jurisdictions as well. Attendees seeking CLE credit should bring separate payment in the amount of \$60.00 (\$30.00 public interest/non-profit attorneys) cash or check made payable to The Trustees of the University of Pennsylvania.

For more information contact cerl@law.upenn.edu.





In conjunction with this conference, a new exhibit opened at the Penn Museum, *Cultures in the Crossfire: Stories from Syria and Iraq*, which focused on what is at stake when cultural heritage is destroyed in war-torn areas, and what can be done to prevent further loss of cultural identities in the Middle East. More than 50 objects from the Museum's Near East and Mediterranean collections were on display, along with a range of Arabic manuscripts from University of Pennsylvania libraries.



Top: Prof. Claire Finkelstein and UNESCO Director-General Irina Bokova

Middle: Conference participants in front of Sphinx

Bottom: C. Brian Rose presenting his work on "The Role of Soldiers and Refugees in Cultural Heritage Protection."





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科学及文化组织

The Director-General

Dr Claire Finkelstein
Founder and Director
Center for Ethics and the Rule of Law
University of Pennsylvania
3501 Sansom Street
Philadelphia, PA 19104
United States of America

Ref.: DG/7/17/3440

21 APR 2017

Dear Dr. Finkelstein,

Dear Claire,

Upon my return to Paris, I would like to extend my sincere appreciation to you for having organized the Conference on "Preservation of Art and Culture in Times of War", and to let you know how honored I was to take part in this important event. I wish to commend you wholeheartedly on the success of this initiative, which is fully in line with UNESCO's objective to win recognition that defending cultural heritage is a key security issue, requiring concerted international action to ensure its safeguarding.

Held in the aftermath of the historic adoption of the UN Security Council Resolution 2347 and the first-ever G7 Culture Ministers' meeting in Florence, the Conference took place at a turning point. The unanimous adoption of Resolution 2347 highlighted that there is a global awakening regarding the importance of cultural heritage preservation for security, stability, governance, and social, economic as well as cultural development of societies. I see this momentum as a chance for us to further raise international awareness on the importance of preserving cultural heritage.

The Conference on "Preservation of Art and Culture in Times of War" provided a unique opportunity to unite forces, by taking into account perspectives of art, archeology, history, law and the military, all of which have to be included to generate efficient responses to the challenges, which have arisen in the 21st century. I am confident that our fruitful discussions will help to pave the way for additional attempts to solidify the moral and legal basis for protecting cultural heritage against deliberate destruction, and for bringing perpetrators to justice.

UNESCO and the Center for Ethics and the Rule of Law (CERL) are natural partners, sharing the same values, pursuing the common objectives. I look forward to continue working with you to better inform United States' institutions on the importance of the preservation of cultural heritage, as well as on its relevance for reconciliation and conflict resolution.

With my renewed appreciation for your personal commitment and confidence in UNESCO's mission, I remain,

most cordially

Yours sincerely,

Irina Bokova

Irina Bokova

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www.unesco.org

FOREIGN INTERFERENCE WITH DEMOCRATIC ELECTIONS
FEATURING THE 2017 HAAGA LECTURE
April 18, 2017

This two-panel conference focused on cyberattacks and interference with the elections of rival nations as emerging threats to national security. The first panel considered the nature of the threat posed by Russian hacking and cyber intelligence operations more generally and sought an understanding of the legal status of these activities.

The second panel addressed the implications of the flooding of social media with fake news by foreign powers. Even without security breaches and Russian hacking efforts, the impact of false information disseminated as credible news on social media has implications both for national security and for the integrity of bona fide news organizations.



Panel 2: Luke Herding, Carrie Cordero, Tarun Chhabra, Douglas Birch, Hon. Adrian Basura and Prof. George Lucas



Panel 1: Sean Kanuck, David Sanger, Daniel “DJ” Rosenthal, Dr. Fred Kagan, Col. Gary Brown and William Burke-White

*The Center for Ethics and the Rule of Law (CERL)
at the University of Pennsylvania presents:*

FOREIGN INTERFERENCE WITH DEMOCRATIC INSTITUTIONS

Featuring the 2017 Distinguished Haaga Lecture

APRIL 18, 2017

Golkin 100, Fitts Auditorium | Penn Law



CO-SPONSORED BY:



HAAGA LECTURE: RUSSIAN MEDDLING IN THE 2016 PRESIDENTIAL ELECTION: IMPLICATIONS FOR THE RULE OF LAW

General Michael Hayden, retired four-star general, former Director of the Central Intelligence Agency and the National Security Agency

Penn Law's distinguished lecture series, the Haaga Lecture, focuses on leadership and its impact and importance in government. Its speakers provide insight and experience for Penn Law students and the community, in an effort to prepare them for leadership in their post-scholastic careers. This lectureship has been made possible by the generosity of Paul G. Haaga, Jr. L'74, WG'74 and Heather Haaga.



Above and Right: General Michael Hayden



Above: Claire Finkelstein, General Michael Hayden, Paul Haaga, Jr. and Penn Law Dean Ted Ruger

Right: General Michael Hayden and Claire Finkelstein



2017 Distinguished Haaga Lecture Speaker

GENERAL MICHAEL HAYDEN

Director, Central Intelligence Agency (2006 – 2009)

Director, National Security Agency (1999 – 2005)



General Michael Hayden is a retired four-star general who served as director of the Central Intelligence Agency and the National Security Agency when the course of world events was changing at a rapid rate. As head of the country's premier intelligence agencies, he was on the frontline of global change, the war on terrorism and the growing cyber challenge. He understands the dangers, risks, and potential rewards of the political, economic, and security situations facing us. General Hayden dissects political situations in hot spots around the world, analyzing the tumultuous global environment and what it all means for Americans and America's interests. He speaks on the delicate balance between liberty and security in intelligence work, as well the potential benefits and dangers associated with the cyber domain. As the former head of two multi-billion dollar enterprises, he can also address the challenges of managing complex organizations in times of stress and risk, and the need to develop effective internal and external communications.

In addition to leading CIA and NSA, General Hayden was the country's first principal deputy director of national intelligence and the highest-ranking military intelligence officer in the country. In all of these jobs, he worked to put a human face on American intelligence, explaining to the American people the role of espionage in protecting both American security and American liberty. Hayden also served as commander of the Air Intelligence Agency and Director of the Joint Command and Control Warfare Center and served in senior staff positions

at the Pentagon, at U.S. European Command, at the National Security Council, and the U.S. Embassy in Bulgaria. He was also the deputy chief of staff for the United Nations Command and U.S. Forces in South Korea.

Hayden has been a frequent expert and commentator on major news outlets and in top publications, valued for his expertise on intelligence matters like cyber security, government surveillance, geopolitics, and more. He was featured in the HBO documentary *Manhunt*, which looked at espionage through the eyes of the insiders who led the secret war against Osama bin Laden, and in Showtime's *The Spymasters*, a detailed look at the directors of the Central Intelligence Agency.

Hayden is currently a principal at the Chertoff Group and a distinguished visiting professor at the George Mason University Schar School of Policy and Government. He is on the board of directors of Motorola Solutions and serves on a variety of other boards and consultancies. In 2013, the Intelligence and National Security Alliance (INSA) awarded Hayden the 29th annual William Oliver Baker Award. General Hayden is also the first recipient of the Helms Award presented by the CIA Officers' Memorial Foundation. In 2014 he was the inaugural Humanitas visiting professor in intelligence studies at Oxford University in the United Kingdom. His recent memoir, *Playing to the Edge: American Intelligence in the Age of Terror*, has been a New York Times best-seller and was recently selected as one of the 100 most notable books of 2016.

EVENTS 2017-2018

NORTH KOREA: BARGAINING IN THE SHADOW OF ARMED CONFLICT

OCTOBER 11, 2017

This symposium aims to shed light on the pressing issue of United States-North Korea relations, to draw more general conclusions regarding the prospects for negotiation in relevantly similar situations. The symposium will consist of two consecutive panel discussions followed by a keynote program. All the speakers are experts on North Korea and reflect a balance of senior scholars, policy experts, former diplomats, and security practitioners. Their perspectives and interactions will enrich public and policy discussion on what is arguably the most severe contemporary international crisis.



NAVIGATING LAW AND ETHICS AT THE CROSSROADS OF JOURNALISM AND NATIONAL SECURITY

NOVEMBER 9-10, 2017

Co-hosted by CERL and the Annenberg School, this roundtable conference will convene academics, analysts, and practitioners from fields as diverse as law, journalism, media, public policy, philosophy, and national security to explore some of the most pressing legal and ethical challenges that lie at the nexus of national security and journalism today. The conference will be supplemented by a public conversation at the National Constitution Center in Philadelphia, entitled *Freedom of the Press and National Security in the Trump Era: Reconciling Competing Values in Democratic Governance*.



THE WEAPONIZATION OF OUTER SPACE: ETHICAL AND LEGAL BOUNDARIES

APRIL 5-7, 2018

The rapid expansion into outer space has prompted space policy to emerge as a notable area of international attention. Experts from the legal community and academia have published multi-volume works, reports of congressional commissions, and journal articles confronting strategic and policy concerns relating to outer space governance. However, notably missing are discussions addressing the legal, ethical, and rule of law issues associated with outer space militarization and weaponization. This roundtable conference will focus on questions of ethical conduct and standards, while assessing the governing legal regime for military and security activities in outer space, potential arms control measures, and the unique role that commercial actors play in securing space for sustainable civilian and military uses.



CERL OUTREACH

Media

CERL Executive Board Members and Fellows regularly appear in the news media and in public settings featuring CERL's work.

Johnson, Douglas A., Alberto Mora, and Averell Schmidt, "The Strategic Costs of Torture: How 'Enhanced Interrogation' Hurt America," *Foreign Affairs*, Sept/Oct 2016.

<https://www.foreignaffairs.com/articles/united-states/strategic-costs-torture>

Stephen Xenakis is quoted in "Where Even Nightmares Are Classified: Psychiatric Care at Guantánamo," by Sheri Fink, *The New York Times*, November 12, 2016.

<https://www.nytimes.com/2016/11/13/world/guantanamo-bay-doctors-abuse.html>

Claire Finkelstein appears on American Law Journal (CNN Philadelphia) on a segment discussing "Trump, the Constitution and the 'Rule of Law,'" January 30, 2017.

<https://www.youtube.com/watch?v=VZJjkOuzayo>

Kevin Govern speaks to Ave Maria Radio on "How Should Catholics React to the Immigration Ban?," February 2, 2017.

<https://avemariaradio.net/audio-archive/kresta-afternoon-january-30-2017-hour-1/>

Kahn, Natalie, "Center in the Law School is Fighting Addiction to Opioids Among Veterans," *The Daily Pennsylvanian*, March 13, 2017.

<http://www.thedp.com/article/2017/03/penn-center-for-ethics-and-rule-of-law>

Finkelstein, Claire, "How Democracy, in the Kremlin's Crosshairs, Can Fight Back," *Zócalo Public Square*, May 11, 2017.

<http://www.zocalopublicsquare.org/2017/05/11/democracy-kremlins-crosshairs-can-fight-back/ideas/nexus/>

Haelig, Carlton, "Legislating an Effective Counter-Islamic State AUMF," *American Security Project*, June 16, 2017.

<https://www.americansecurityproject.org/legislating-an-effective-counter-islamic-state-aumf/>



Claire Finkelstein appears on *All In with Chris Hayes* (MSNBC) to discuss the "Election Attack," June 6, 2017.
<https://www.youtube.com/watch?v=ySZ2GmQIPbA>



Claire Finkelstein featured on MSNBC discussing the NSA leak and election hacking, June 12, 2017.
<https://www.youtube.com/watch?v=STrG4WXw-so>

Policy Briefing Paper

On January 13, 2017, CERL released its inaugural briefing paper entitled *The Intersection of Opioid Overuse and Veteran Mental Health Challenges*. The paper signifies CERL's commitment to making impactful contributions to public conversation on critical issues relating to ethics and national security and to heighten awareness of risks to the rule of law. The topic addressed by the briefing paper lies at the intersection of two discrete crises: first, the epidemic of widespread opioid abuse and misuse that has spawned a major problem of addiction across the U.S., and second, the pressing problem of mental health challenges among veterans, particularly in evidence among veterans from recent combat deployments during the Global War on Terror. The briefing paper can be read in its entirety at the following link: <https://www.law.upenn.edu/institutes/cerl/reports.php>



The Intersection of Opioid Overuse and Veteran Mental Health Challenges



A Report by the Center for Ethics and the Rule of Law

Release Date: January 13, 2017

Ethics Briefing

Duke University
December 2, 2016

Professor Claire Finkelstein spoke at an Adaptive Planning and Execution (APEX) National Security Policy and Strategy Orientation on the topics of *Combatancy and the Concept of Armed Conflict: Understanding the Legal Framework for Killing in War* and *Targeting, Just War Theory, and the PPG*. The course is designed to introduce special operations forces to the concept of strategic thinking in the area of national security decision making. It lays the foundation for this topic by providing a deep understanding of the institutions, concepts, laws, practices, and principles that comprise the U.S. national security apparatus. Professor Finkelstein has become a sought-after lecturer and speaker, and regularly briefs military servicemen and women about the legal and ethical dimensions of prosecuting the war on terror.



2017 CERL SUMMER INTERNSHIP

During the summer of 2017, CERL hosted and managed a specialized program for 10 interns over an eight-week period. The interns, drawn from the ranks of professional, graduate, and exceptional undergraduate students, both at the University of Pennsylvania and elsewhere, represented a diverse, interdisciplinary, and high-caliber set of individuals each with a keen interest in applying ethical values and rule of law principles to issues of national security, armed conflict, and transnational crises. They worked in teams under the supervision of CERL's leadership on six discrete projects. Two projects focused on upcoming CERL conferences, one related to issues that lie at the intersection of journalism and national security, and the other on issues arising out of the militarization of outer space. Two more projects addressed forthcoming CERL symposia, one related to bargaining with a nuclear North Korea and the other on so-called "gray zone conflict" issues. An additional project provided legal and documentary support for an ongoing civil case against the Kingdom of Saudi Arabia and related entities due to its alleged sponsorship of the 9/11 attacks, and the final project examined a number of terms in the cybersecurity arena. Each team also prepared an original policy briefing paper. In addition, the program consisted of a weekly seminar that tracked the subject matter of the interns' assigned projects; expert guest speakers shared their perspectives and engaged the interns in robust dialogue. The interns received a valuable educational experience while contributing substantively to CERL's mission and work product.



From left: Aadir Khan, Marie Barnett, Shane Fischman, Christopher Ritter, Kelsey Wiseman, Muhammad Sarahne, Laknath Gunathilake, Laurenne Babayan, Kerry Nicholson, Brendan McLaughlin



Shane Fischman presents to the CERL Executive Board and others about her and her team's work on so-called "gray zone" conflicts, which lie between war and peace.



Kerry Nicholson speaks about her team's work related to issues located at the nexus of journalism and national security.

"My experience as a CERL intern was an interesting hybrid of captivating conceptual work and real life experience. I learned to appreciate the value of removing partisan bias from policy brainstorming in order to maximize an idea's validity and subsequent efficacy of its implementation. The material was relevant and engaging, and CERL was dedicated in providing resources and opportunities for the interns to constantly learn and grow. Overall, it was an incredible experience!"

~Laurenne Babayan

"This internship gave me the confidence to tackle complex issues in the realm of rule of law and make a meaningful contribution to an ongoing discourse on the subject."

~Laknath Gunathilake

"CERL has given me the opportunity to address the pressing topics of national security that are being looked at by the leading experts in both government and the private sector. It has given me new perspectives on the issues that the world will be facing as I move forward, and has honestly made me a far more knowledgeable person, who is more confident in his ability to speak on the complex issues of national security."

~Brendan McLaughlin

"The summer internship at CERL granted me the opportunity to be exposed to the national security realm, from an academic perspective, as well as from a practical one, whether through lectures by guest speakers, planning events or drafting policy papers. It has been an enriching and outstanding professional experience."

~Muhammad Sarahne

"This has, overall, been an absolutely invaluable experience for me. I've learned so much about national security law—from foreign cyber interference in democratic institutions to the future of armed conflict in space. My thinking on national security law has, indeed, been shaped by the seminars attended and the topics studied this summer. I now know that national security law is what I want to be doing for the foreseeable future—and that has everything to do with CERL."

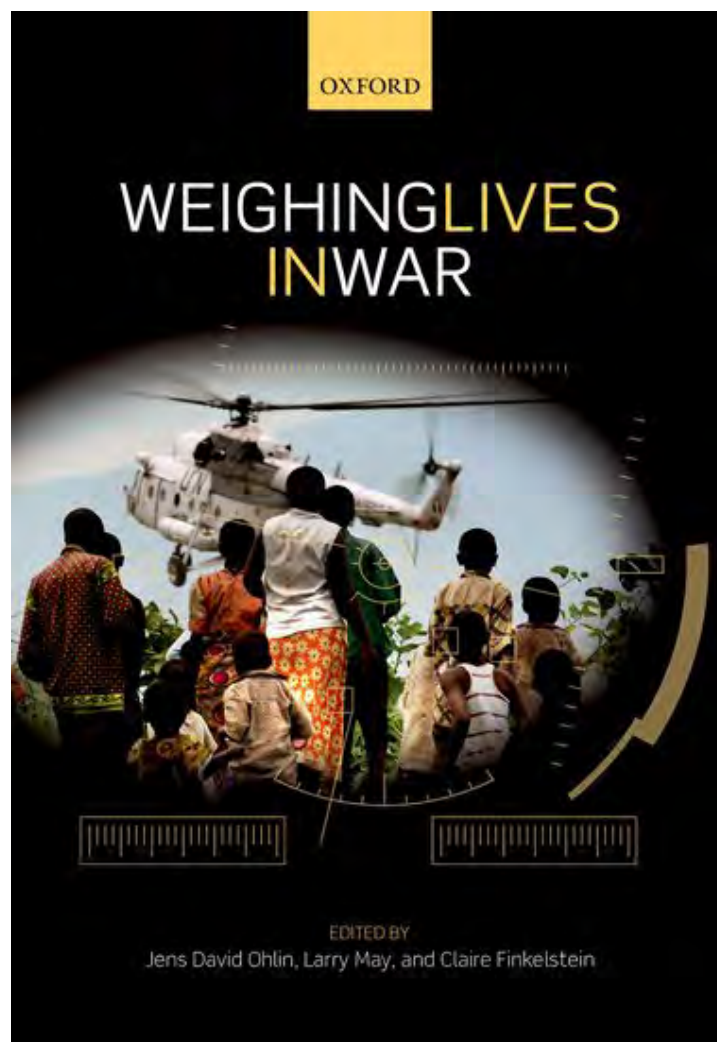
~Kelsey Wiseman

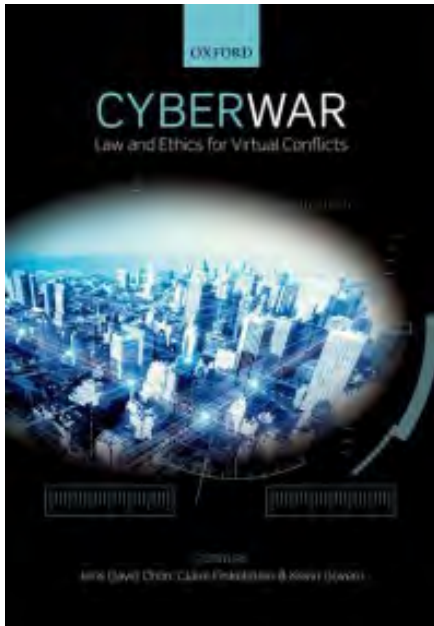
PUBLICATIONS

CERL is proud to partner with Oxford University Press in producing its series in *Ethics, National Security and the Rule of Law*. Three volumes have been published in this series to date: *Targeted Killings: Law and Morality in an Asymmetrical World* (2012), *Cyberwar: Law and Ethics for Virtual Conflicts* (2015), and the recently published *Weighing Lives in War: Combatants and Civilians* (2017). With additional volumes accepted for publication, CERL continues to broaden its reach to provide a valuable resource for academics and policymakers alike.

WEIGHING LIVES IN WAR: COMBATANTS AND CIVILIANS

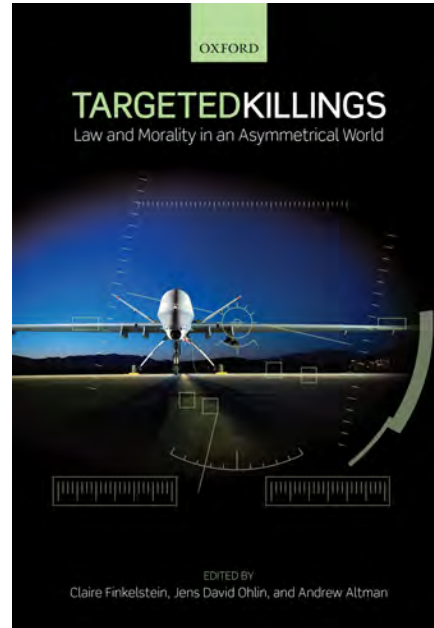
Edited by Jens David Ohlin, Larry May, and
Claire Finkelstein
Oxford University Press, 2017





*CYBERWAR: LAW AND ETHICS FOR
VIRTUAL CONFLICTS*

Edited by Jens David Ohlin, Kevin Govern, and
Claire Finkelstein
Oxford University Press, May 2015



*TARGETED KILLINGS: LAW AND MORALITY
IN AN ASYMMETRICAL WORLD*

Edited by Claire Finkelstein, Jens David Ohlin, and
Andrew Altman
Oxford University Press, April 2012

FORTHCOMING PUBLICATIONS

SOVEREIGNTY AND THE NEW EXECUTIVE AUTHORITY

Edited by Claire Finkelstein and Michael Skerker
Oxford University Press, 2017

ETHICAL DILEMMAS IN THE GLOBAL DEFENSE INDUSTRY

Edited by Kevin Govern
Oxford University Press, 2018

CERL BENEFACTORS

CERL is grateful to many individuals and organizations for their generous support over the years. Their financial contributions enable CERL to hold conferences and events, produce written work for publication, and provide stipends for CERL interns. This support allows CERL to continue its many activities in advancing its mission of defending the rule of law. The Center owes a particular debt of gratitude to Penn Law School Dean Ted Ruger for his continued partnership and support. Thank you to all those who have helped CERL reach its sixth year of operation.



From left: CERL Co-Founder William Craven, Penn Law Dean Ted Ruger, CERL Faculty Director Claire Finkelstein, and CERL Executive Board Chair Paul Haaga, Jr.

CUMULATIVE CONTRIBUTIONS (2012-2017)

\$50,000 and Above

Pamela & William Craven
Captain Robert G. Fuller., Jr, Esq., JAGC, USNR (Ret)
Heather & Paul G. Haaga, Jr.
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