

**ANNUAL REPORT 2017-2018**

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# ABOUT CERL

CERL is a nonpartisan interdisciplinary institute dedicated to preserving and promoting ethics and the rule of law in twenty-first century conflict, warfare, and national security.

CERL brings together scholars, practitioners, and policymakers to answer the difficult ethical and legal questions that arise in contemporary national security practice. Military and intelligence personnel, private sector professionals, journalists, and experts in the disciplines of law, ethics, philosophy, political science, international relations, and the sciences converge at CERL conferences and symposia to engage in robust interdisciplinary discussion and analysis of the most perplexing and challenging issues of our time.

Raising public consciousness and influencing public policy on these vital ethical and rule of law issues are CERL's overarching aims. In addition to holding conferences and symposia, CERL conducts ethics and policy briefings; drafts and disseminates policy papers; publishes volumes under an ethics, national security and rule of law book series; presents book talks with high-profile authors; and engages with national and international media. CERL's interdisciplinary programming continues to expand, increasing in reach and prominence as it addresses cutting-edge topics before a widening audience.



*CERL's Executive Board and Leadership*

*Back row from left: Kevin Govern, Jules Zacher, Stephen Xenakis, Duncan MacIntosh, Sean Carter, John Giordano, Cassandra Steer, Christopher Morris. Front row from left: Shawn Turner, Arlene Fickler, Paul Haaga, Jr., Claire Finkelstein, Vivian Berger, Connie Rosati, William Craven*





## LETTER FROM THE FACULTY DIRECTOR AND EXECUTIVE BOARD CHAIR

October 2018

Dear Friends,

We are pleased to present CERL's latest Annual Report, detailing the many accomplishments of the Center for Ethics and the Rule of Law during the 2017-18 academic year. The past year has exposed new and increasing threats to democratic governance, as well as confusion about public adherence to ethical and rule of law values. CERL performs the critical work of educating students, government servants, and the public on the importance of maintaining the integrity of professionals and public servants to safeguard the rule of law.

With major conferences on topics as wide-ranging as journalistic challenges in national security reporting, international humanitarian law and its implications for outer space security, military threats from North Korea, and the ever-present topic of foreign interference with democratic institutions, CERL continues to probe the most essential issues in national security and armed conflict, using the tools of interdisciplinary engagement and open dialogue.

While other centers and programs address national security policy, CERL specializes in the ethical dimensions of these topics and seeks to provide normative guidance to policymakers, public officials, and members of the private sector. Members of CERL's Executive Board and Advisory Council are increasingly consulted by practitioners and academics alike, and we are proud of the role CERL has played in deepening and enriching both expert and public awareness on rule of law values embedded in national security imperatives.

We are particularly proud this year of the launch of the *Oxford Series in Ethics, National Security, and the Rule of Law*, a publication series that addresses ethical issues arising in security studies. With three volumes already published, we produced the most recent volume, *Sovereignty and the New Executive Authority*, just this month on a topic of great and timely importance. We are pleased that CERL now has a dedicated vehicle for disseminating the impressive deliverables of its conferences and working groups. In addition to academic volumes, CERL continues to produce policy papers on matters of urgent public import, like Turkey and its standing in NATO, the need to reconsider the current authority for the use of military force (AUMF), and an evaluation of interrogation techniques and the risk that torture could return to U.S. policy.

Additionally, CERL has continued to broaden its circle of sponsors and partners. In the 2017-18 academic year, CERL engaged with the National Association of Attorneys Generals (NAAG), the Foreign Policy Research Institute (FPRI), the Army Cyber Institute at West Point, both the Army and Air Force JAG Corps, and several Penn centers and institutes, including the Perry World House, the Annenberg School for Communications, and the Penn Middle East Center. We are excited to see CERL's network expand, and with it, an increased breadth of talented individuals and topics relating to rule of law values in the national security and warfare spheres.

We hope you will continue to engage with and support CERL's efforts, and we look forward to seeing you at future CERL events.

Sincerely,

Claire Finkelstein, Faculty Director

Paul Haaga, Jr., CERL Executive Board Chair

## PEOPLE

The foundation of CERL's success is its people. From executive board members to CERL summer interns as well as staff, Penn partners, and conference participants, the center relies on the expertise of many individuals to further its mission. Cultivating relationships across academic disciplines and industry sectors is central to CERL's commitment to creating diversified discourse on some of the most difficult issues of our time. CERL 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 leadership, staff, board, and affiliates.



*Cassandra Steer, Acting Executive Director, and  
Elisabeth Aulepp, Event Coordinator*



*Chris Welsh, Executive Director, and Carlton Haelig, Director of Research*



*Claire Finkelstein, Faculty Director, and  
Paul Haaga, Executive Board Chair*



*Nicholas Saidel, CERL Fellow*

## EXECUTIVE BOARD



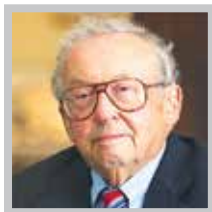
**CLAIRE FINKELSTEIN**

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



**PAUL G. HAAGA, JR.**

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



**HON. HAROLD BERGER**

*Senior Partner and Managing Principal, Berger & Montague P.C.*



**VIVIAN BERGER**

*Professor Emeritus, Columbia Law School; Mediator*



**SEAN P. CARTER**

*Member, Cozen O'Connor*



**WILLIAM CRAVEN**

*CERL Founding Executive Board Chair; Chair of Federal Systems (retired)*



**ARLENE FICKLER**

*Partner, Schnader Harrison Segal & Lewis LLP*



**JOHN GIORDANO**

*Partner, Archer Law*



**KEVIN GOVERN**

*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; Director, American Bar Association's Rule of Law Initiative*



**CHRISTOPHER W. MORRIS**

*Professor of Philosophy, University of Maryland*



**JENS DAVID OHLIN**

*Vice Dean and Professor of Law, Cornell University Law School*



**CONNIE ROSATI**

*Professor of Philosophy, University of Arizona*



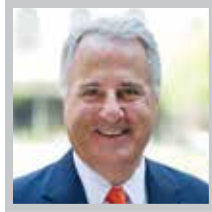
**SHAWN TURNER**

*Director of Communication, Center for a New American Security (CNAS)*



**STEPHEN XENAKIS**

*Brigadier General (Ret.), U.S. Army; Advisor, Physicians for Human Rights*



**JULES ZACHER**

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



**DELL L. DAILEY (EXECUTIVE BOARD EMERITUS)**

*President, Dell Dailey and Family; Former Ambassador-at-Large, Department of State*



## ADVISORY COUNCIL



**ANITA ALLEN**

*Henry R. Silverman Professor of Law and Professor of Philosophy; Vice Provost, University of Pennsylvania*



**WILLIAM BURKE-WHITE**

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



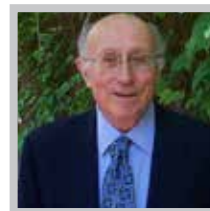
**STUART DIAMOND**

*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*



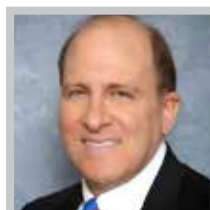
**DEREK GILLMAN**

*Distinguished Teaching Professor, Art History and Museum Leadership; Senior Adviser to the President for University Collections, Drexel University*



**MICHAEL C. HOROWITZ**

*Professor of Political Science; Associate Director, Perry World House*



**DAVID S. JONAS**

*Partner, Fluet Huber & Hoang PLLC*



**FIROOZEH KASHANI-SABET**

*Walter H. Annenberg Professor of History; Director of the Middle East Center, University of Pennsylvania*



**VIJAY KUMAR**

*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*



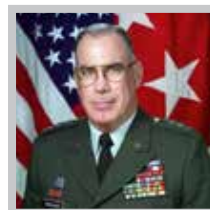
**LARRY MAY**

*Professor of Philosophy, Emeritus, Vanderbilt University*



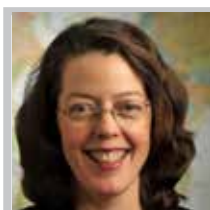
**JEFF MCMAHAN**

*White's Professor of Moral Philosophy, University of Oxford*



**PAUL E. MENOHER, JR.**

*Lieutenant General (Ret.), U.S. Army*



**MARY ELLEN O'CONNELL**

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



**HARVEY RUBIN**

*Professor of Medicine, Microbiology and Computer Science, University of Pennsylvania*



**STEPHEN SHELLER**

*Founding Partner, Sheller P.C.*

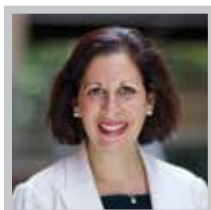


**ROGERS SMITH**

*Christopher H. Browne Distinguished Professor of Political Science; Associate Dean for Social Sciences, University of Pennsylvania*

# THE CERL TEAM

## Leadership



**CLAIRE FINKELSTEIN**  
*CERL Faculty Director*

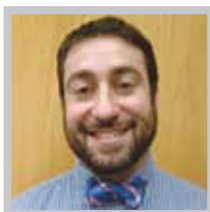


**CHRISTOPHER WELSH**  
*Executive Director*



**EILEEN KENNEY**  
*Director of Engagement*

## Fellows



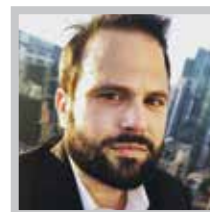
**NICHOLAS SAIDEL**  
*JD, Georgetown University  
Law Center*



**CARLTON HAELIG**  
*Fellow and Director  
of Research*

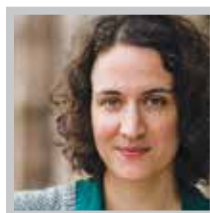


**LAURENCE NATHAN**  
*Senior Fellow*



**MARC AMBINDER**  
*Journalist-in-Residence*

## Research Assistants



**MARIE BARNETT**  
*PhD, Philosophy, University of  
Pennsylvania*



**MUHAMMAD SARAHNE**  
*SJD, University of  
Pennsylvania Law School*

## Faculty Support Staff



**ELISABETH AULEPP**  
*Events Coordinator*



**JENNIFER EVANS**  
*Associate Director,  
Faculty Support*



**LISA MARGOLIS**  
*CERL Assistant*

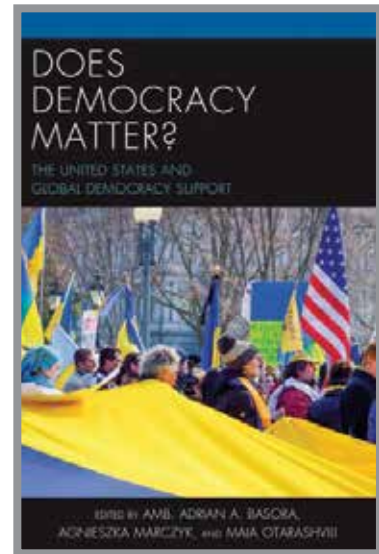


## EVENTS 2017-2018

### DOES DEMOCRACY MATTER? THE UNITED STATES AND GLOBAL DEMOCRACY SUPPORT

September 8, 2017

Liberal democracy is under siege globally, and the traditional U.S. policy of defending democracy abroad is very much in question. This half-day conference explored the issues in the debate as to whether the support of democracy abroad should remain a significant component of American foreign policy. These new issues have taken on sharp new relevance during the Trump administration. Led by the Foreign Policy Research Institute (FPRI) and prompted by the release of *Does Democracy Matter? The United States and Global Democracy Support* (Rowman & Littlefield 2017), the event was co-sponsored by CERL, Perry World House, and Penn's Department of Russian and East European Studies.



*From left: Mr. Thomas Melia, Prof. Mitchell Orenstein, Mr. Tarun Chhabra, moderator Prof. Claire Finkelstein*

## NORTH KOREA: BARGAINING IN THE SHADOW OF ARMED CONFLICT

October 11, 2017

This symposium examined the potential for, and obstacles to, negotiations with North Korea. Two panels of authorities on North Korea, including policy experts, former diplomats, and security practitioners, discussed whether the United States should engage in negotiations and, if so, the dynamics negotiators and leaders may encounter and should prepare for. The symposium also featured a public keynote panel presentation. Co-sponsors were the University of Pennsylvania's Christopher H. Browne Center for International Politics, James Joo-Jin Kim Program in Korean Studies, and Center for East Asian Studies.



*From left: Moderator and CERL Fellow Prof. Laurence Nathan, Prof. Eileen Babbitt, Ambassador Joseph DeTrani, Prof. Antonia Chayes Ambassador Mark Lippert, Ms. Suzanne DiMaggio*



*From left: Moderator Prof. Jacques deLisle, Prof. Bridget Coggins, Ms. Kelsey Davenport, Dr. Robert Litwak, Dr. Leon Sigal*



*Keynote program featuring moderator Prof. Claire Finkelstein, Governor Bill Richardson, and Mr. David Sanger*



*From left: Prof. William Burke-White, Prof. Claire Finkelstein, Mr. David Sanger, Governor Bill Richardson*

PRESENT A SYMPOSIUM ON

# North Korea: Bargaining in the Shadow of Armed Conflict



Wednesday, October 11<sup>th</sup>

1:00 PM - 6:30 PM

Perry World House at the University of Pennsylvania, 3803 Locust Walk

The challenges that a nuclear North Korea poses to its neighbors, the U.S. and the global community have constituted headline news for the past two decades. Ever since the country withdrew from the Six-Party Talks in 2009, its efforts to develop nuclear weapons have greatly intensified. They have led to the country being subjected to increasingly tough bilateral and multilateral sanctions. Nevertheless, North Korea's historic commitment to the Kim family's ideology of *juche*, or "self-reliance," has emboldened the country's diplomatic, financial, and military autarky, heightened its resistance to normal engagement with other states, and reduced the prospect of a negotiated solution. The symposium will contribute to informed policy and public discussion on the North Korea crisis by examining the potential for, and obstacles to, negotiations with that country as a means to resolving or at least managing the crisis.

**KEYNOTE PROGRAM:**



**BILL RICHARDSON**

*Former Governor of New Mexico, former U.S. Congressman, former U.S. Ambassador to the United Nations, former U.S. Secretary of Energy, and Author of "How to Sweet-Talk a Shark: Strategies and Stories from a Master Negotiator"*



**DAVID E. SANGER**

*Chief Washington Correspondent, The New York Times*

**MODERATOR:**



**CLAIRE FINKELSTEIN**

*Algernon Biddle Professor of Law and Professor of Philosophy, University of Pennsylvania; Co-Founder and Faculty Director, Center for Ethics and the Rule of Law*

1:00 - 1:15 p.m.

**Welcoming Remarks**

**William Burke-White**, *Richard Perry Professor and Inaugural Director, Perry World House at the University of Pennsylvania*

**Claire Finkelstein**, *Algernon Biddle Professor of Law and Professor of Philosophy, University of Pennsylvania; Co-Founder and Faculty Director, Center for Ethics and the Rule of Law*

1:15 - 2:45 p.m.

**Panel 1: Should the United States enter into negotiations with North Korea to resolve its ongoing conflict?**

**MODERATOR:**

**Professor Jacques deLisle**, *Stephen A. Cozen Professor of Law & Professor of Political Science; Director, Center for East Asian Studies, University of Pennsylvania Law School*

**PANELISTS:**

**Professor Bridget Coggins**, *Associate Professor of Political Science, University of California, Santa Barbara*

**Ms. Kelsey Davenport**, *Director of Nonproliferation Policy, Arms Control Association*

**Dr. Robert Litwak**, *Vice President for Scholars and Director of International Security Studies, Woodrow Wilson International Center for Scholars*

**Dr. Leon Sigal**, *Director, Northeast Asia Cooperative Security Project, Social Science Research Council*

3:00 - 4:30 p.m.

**Panel 2: Were the United States to enter into negotiations with North Korea, which strategies and tools would be most effective?**

**MODERATOR:**

**Professor Laurence Nathan**, *Advisor, Oxford Research Group Sustainable Security Programme; Director of the Centre for Mediation in Africa, University of Pretoria; Visiting Professor, Cranfield University*

**PANELISTS:**

**Professor Eileen Babbitt**, *Director of the Institute for Human Security and Professor of Practice of International Conflict Analysis and Resolution, The Fletcher School of Law and Diplomacy, Tufts University*

**Professor Antonia Chayes**, *Professor of Practice of International Politics and Law, The Fletcher School of Law and Diplomacy, Tufts University*

**Ambassador Joseph DeTrani**, *Former Special Envoy for Six-Party Talks with North Korea*

**Ms. Suzanne DiMaggio**, *Director and Senior Fellow, New America Foundation*

**Ambassador Mark Lippert**, *Former U.S. Ambassador to South Korea*

5:00 - 6:30 p.m.

**Keynote Program**

*This program has been approved for 4.5 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 \$180.00 (\$90.00 public interest/non-profit attorneys) cash or check made payable to The Trustees of the University of Pennsylvania.*

<https://www.law.upenn.edu/institutes/cecl/conferences/shadowofarmedconflict/>

This event is co-sponsored by the University of Pennsylvania's Christopher H. Browne Center for International Politics, the James Joo-Jin Kim Program in Korean Studies, and the Center for East Asian Studies (CEAS).

#NKBargaining



CHRISTOPHER H. BROWNE CENTER  
for INTERNATIONAL POLITICS  
UNIVERSITY of PENNSYLVANIA





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

**November 9-10, 2017**

Tensions between the responsibilities of journalists and the prerogatives of government when dealing with issues of national security run high. For both sides, this conference advanced the understanding of four challenges: responsible reporting of national security crises; the safety of journalists and the integrity of the right to freedom of speech; the re-publishing of unauthorized disclosures of classified information by third parties; and the advent of “fake news” and its use as a weapon of asymmetric warfare. A public keynote panel presentation took place at the National Constitution Center. Co-sponsors were the Annenberg School for Communication (ASC), Center for Advanced Research in Global Communication at ASC, Middle East Center at the University of Pennsylvania, and the Washington, D.C., law firm of Miller & Chevalier.



*Keynote panel at the National Constitution Center*

*From left: Moderator Mr. Jeffrey Rosen, Ms. Helle Dale, Mr. Charlie Savage, Ms. Laura Handman, Mr. James Risen*

PRESENT

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



NOVEMBER 9-10, 2017

Annenberg School for Communication (ASC)  
3620 Walnut Street on the University of Pennsylvania campus

*The public keynote portion of the conference will be held at the National Constitution Center (NCC) at 525 Arch Street, Philadelphia, PA 19106.*

## THURSDAY, NOVEMBER 9

- 8:30 – 9:30 am      **Registration and Continental Breakfast**
- 9:30 – 9:45 am      **Welcoming Remarks:**  
*Claire Finkelstein, Algeron Biddle of Professor of Law and Professor of Philosophy, University of Pennsylvania Law School and CERL Faculty Director*  
*Michael Dell'i Carpini, Walter H. Annenberg Dean and Professor of Communication, Annenberg School of Communication, University of Pennsylvania*
- 9:45 – 11:00 am      **Session 1 – The carnage of war, terrorist attacks, and classified information**  
MODERATOR: *Prof. William Burke-White, Director, Perry World House*
- 11:00 – 11:30 am      **Break (refreshments served)**
- 11:30 am – 12:45 pm      **Session 2 – Leaks of classified information and whistleblower protection**  
MODERATOR: *Marc Ambinder, journalist-in-residence, CERL and ASC*
- 2:15 – 3:30 pm      **Session 3 – Court subpoenas and government surveillance**  
MODERATOR: *Carrie Cordero*
- 5:00 – 6:30 pm      **Keynote Panel – Freedom of the Press and National Security in the Trump Era: Reconciling Competing Values in Democratic Governance**

## FRIDAY, NOVEMBER 10

- 8:30 – 9:30 am      **Registration and Continental Breakfast**
- 9:30 – 10:45 am      **Session 4 – Protecting society from fake news and weaponized information**  
MODERATOR: *Dean Michael Dell'i Carpini*
- 11:15 am – 12:30 pm      **Session 5 – Journalists at risk**  
MODERATOR: *Susan D. Moeller*
- 12:30 – 1:30 pm      **Lunch at The Annenberg School for Communication - Plaza Lobby**
- 1:30 – 2:45 pm      **Session 6 – National Security Journalism In the Age of Trump**  
MODERATOR: *Katherine Eban*
- 2:45 – 3:00 pm      **Concluding remarks by CERL Faculty Director Prof. Claire Finkelstein**

Journalists and the government have a shared responsibility to protect the autonomy of the press, to keep the public duly informed, and to ensure accurate coverage of important issues affecting U.S. security. They must also grapple with the competing responsibilities to protect classified information from disclosure and to safeguard the public from deliberate misinformation or “fake news.” A distinguished panel will share and debate views on these issues in a moderated discussion.

*The public keynote panel has been approved for 1.5 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 \$60.00 (\$30.00 public interest/non-profit attorneys) cash or check made payable to The Trustees of the University of Pennsylvania.*

This event is co-sponsored by the Annenberg School for Communication (ASC), the Center for Advanced Research in Global Communication at ASC, and the law firm of Miller & Chevalier.





*Conference participants  
in discussion*



*Mr. Barry Pollack and  
Prof. Vivian Berger*



*Roundtable discussion at the  
Annenberg School for Communication*





*Annenberg's Dean Michael X. Delli Carpini*



*Mr. David Sanger, national security correspondent and senior writer at The New York Times*



*From left: Mr. Jeffrey Rosen, Ms. Helle Dale, Mr. Charlie Savage, Prof. Claire Finkelstein, Ms. Laura Handman, Mr. James Risén*



*Ms. Carrie Cordero and Mr. John Sipher*



*Ms. Kyra McGrath asks a question of the panel*

## LEGAL RESPONSES TO THE OPIOID CRISIS

March 16, 2018

The opioid addiction crisis has tragically resulted in an estimated annual death rate of 65,000 – more than the total loss of life from the Vietnam War. Veterans are in a high-risk group, and the rate of opioid prescriptions for them has increased exponentially over the past decade. CERL hosted a discussion that identified criminal, civil, and regulatory solutions to address this complex public health crisis and to prevent its recurrence. Presenters included health care professionals, lawyers, legislators, psychologists, and scholars to discuss recent developments in the opioid epidemic as well as proposals for legal action and policy reform. Also participating were Georgia's and Delaware's State Attorney General, as well as lawyers from the State Attorney General offices in Minnesota, New Jersey, Pennsylvania, and Puerto Rico. Co-sponsors were the National Attorneys General Training and Research Institute and the Sheller Family Foundation.



*Ms. Sandy Sheller delivered opening remarks*



*From left: Dr. Stephen Xenakis, Judge Patrick Dugan, Ms. Bridget Brennan, Atty. Gen. Chris Carr, Atty. Gen. Matthew Denn, moderator Prof. Claire Finkelstein*



*From left: Prof. Roseann Termini, Dr. Steven Peskin, Dr. Steve Daviss, Dr. Jennifer Prabh Ruger, moderator Mr. Chris Mondics*



*From left: Mr. Stephen Sheller, Dr. Andrew Kolodny*



# LEGAL RESPONSES TO THE OPIOID ADDICTION CRISIS

Criminal, Civil and  
Regulatory Solutions

Friday, March 16, 2018

1:00 PM - 6:00 PM | Fitts Auditorium

The Opioid Addiction Crisis has tragically produced an estimated death rate of 633,000 people since 1999, more than the total loss of life from the Vietnam War and the death rate from HIV at the peak of the epidemic combined. On March 16, The Center for Ethics and Rule of Law (CERL) will host a public conversation designed to identify criminal, civil and regulatory solutions to address this crisis and to prevent a reoccurrence of this kind of public health emergency. Presenters draw from the ranks of health care professionals, lawyers, legislators, psychologists, and scholars from a variety of disciplines to discuss recent developments in the opioid epidemic as well as proposals for legal action and policy reform. What is the liability of pharmaceutical companies in relation to advice they gave to doctors that pain was being "undertreated"? Are civil suits that are currently being filed against pharmaceutical companies on behalf of a number of American cities likely to succeed? Are federal agencies, particularly the FDA, the Veterans Administration (VA) and possibly the CDC responsible for failing to protect veterans and other vulnerable consumers from the perils of addiction? What regulatory reforms need to be adopted to ensure this never occurs again?

- 1:00-1:15pm **Opening Remarks**  
Prof. Claire Finkelstein, *Director, CERL; Algernon Biddle Professor of Law and Professor of Philosophy, University of Pennsylvania Law School*  
Ms. Sandy Sheller, *President & Director, Sheller Family Foundation*
- 1:15-2:45pm **Panel 1: Criminal Law Solutions**  
MODERATOR:  
Prof. Claire Finkelstein, *Director, CERL; Algernon Biddle Professor of Law and Professor of Philosophy, University of Pennsylvania Law School*  
PANELISTS:  
Attorney General Matthew Denn, *Attorney General of Delaware*  
Attorney General Christopher Carr, *Attorney General of Georgia*  
Ms. Bridget G. Brennan, *Special Narcotics Prosecutor for New York City*  
Judge Patrick Dugan, *Chief Judge of the Philadelphia Veterans Court*  
Dr. Steve Xenakis, *Brigadier General (ret), Army Medical Corps*
- 3:00-4:15pm **Panel 2: Corporate Responsibility and Civil Law Solutions**  
MODERATOR:  
Mr. Chris Naughton, *CEO and host, American Law Journal TV*  
PANELISTS:  
Mr. Donald Migliori, *Attorney, Motley Rice LLC*  
Dr. Steven Peskin, *Senior Medical Director, Clinical Innovations, Horizon Healthcare Innovations - Horizon Blue Cross Blue Shield of New Jersey*  
Ms. Gerianne Tringali DiPiano, *President & CEO, FemmePharma*  
Mr. Stephen Sheller, *Founding Partner, Sheller P.C. Law Firm*  
Dr. Andrew Kolodny, *Co-Director of the Opioid Policy Research Collaborative, Brandeis University*
- 4:30-6:00pm **Panel 3: Regulatory Solutions**  
MODERATOR:  
Mr. Chris Mondics, *Formerly of The Philadelphia Inquirer*  
PANELISTS:  
Dr. Steve Daviss, *Deputy Chief, Substance Abuse and Mental Health Services Administration (SAMHSA)*  
Dr. Thomas Farley, *Health Commissioner, City of Philadelphia*  
Ms. Maria D. Quiñonas-Sánchez, *City Councilwoman, Seventh District, City of Philadelphia*  
Ms. Roseann B. Termini, *Food and Drug Law, Widener University School of Law*  
Dr. Jennifer Prah Ruger, *Professor of Medical Ethics & Health Policy, Perelman School of Medicine, University Of Pennsylvania*

This event is co-sponsored by the Sheller Family Foundation, the National Attorneys General Training & Research Institute, and Captain Robert G. Fuller, Jr, Esq., JAGC, USNR (Ret).

*This program has been approved for 4.0 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 \$160.00 (\$80.00 public interest/non-profit attorneys) cash or check made payable to The Trustees of the University of Pennsylvania.*



## THE WEAPONIZATION OF OUTER SPACE: ETHICAL AND LEGAL BOUNDARIES

April 5-7, 2018

Our 21st century lives are highly dependent on space-based technologies: from cell phone and internet telecommunications to financial transactions and GPS for international transport. But there is a move towards weaponizing space, despite the core principle of the 1967 Outer Space Treaty that space shall be used exclusively for peaceful purposes. CERL partnered with U.S. Air Force Space Command's Office of the Staff Judge Advocate, Space, Cyber and International Law Division, to develop this conference, which focused on relevant ethical conduct and standards while assessing ways in which the United States and other world leaders in space can protect their space assets in compliance with the core tenets of the Outer Space Treaty. Co-sponsors were Analytical Graphics Inc. (AGI), Canadian Department of National Defence (DND), Secure World Foundation, University of Pennsylvania's Journal of International Law, and Judge Harold Berger, senior partner at Berger & Montague, P.C., and alumnus of Penn Law and Penn Engineering.



*From left: Keynote panelists Mr. Stephen Oswald, Dr. Laura Grego, and Lt. Gen. David Thomson with moderator Dr. Cassandra Steer*



National  
Defence

Défense  
nationale



# WARFIGHTING AND LAW IN OUTER SPACE: Public Keynote Address



**Thursday, April 5, 2018**  
5:00 pm - 6:30 pm | Fitts Auditorium

KEYNOTE SPEAKERS:

**MAJOR GENERAL DAVID D. THOMPSON**

*SPECIAL ASSISTANT TO THE COMMANDER OF U.S. AIR FORCE SPACE COMMAND*

**MR. STEPHEN OSWALD**

*FORMER NASA SHUTTLE PILOT*

**DR. LAURA GREGO**

*SENIOR GLOBAL SECURITY SCIENTIST, UNION OF CONCERNED SCIENTISTS*

MODERATED BY:

**DR. CASSANDRA STEER**

*ACTING EXECUTIVE DIRECTOR OF CERL*

Our 21<sup>st</sup> century lives are highly dependent on satellites and space-based technologies, and our military depends on these technologies heavily for its operations. This keynote event will address the ways in which the military uses outer space, the risk of weaponization of outer space, and issues faced by the U.S. in terms of protecting its assets while seeking to avoid a space conflict. The effects of a conflict in outer space would be difficult, if impossible to contain, and a different strategy is required than in other domains such as land, sea and air. What role can international diplomacy and information sharing play in protecting against an arms race in space? What can and should the U.S. be doing to protect against attacks on satellites? How does the law of armed conflict apply to outer space? And how would a space conflict affect us all in our daily lives?

**Cocktail reception to follow in the Haaga Lounge.**

*This program has been approved for 1.5 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 \$60.00 (\$30.00 public interest/non-profit attorneys) cash or check made payable to The Trustees of the University of Pennsylvania.*





*Ms. Victoria Samson of Secure World Foundation  
at the Union League of Philadelphia*



*Lt. Gen. David Thompson,  
Vice Commander of Air Force Space Command*



*From left: CERL Executive Board Member Mr. William Craven  
and AGI Chief Executive Officer Mr. Paul Graziani*



*Gen. James Cartwright delivering the dinner keynote at the  
Union League of Philadelphia*





*Dinner conversation among Gen. James Cartwright, CERL board members, and other conference participants at the Union League of Philadelphia*



*A roundtable discussion at the University of Pennsylvania's Singh Center for Nanotechnology*


## BOOK TALK SERIES 2017-2018

CERL sponsored a series of public programs featuring the authors of books tackling the pressing ethics, rule of law, and national security issues on the CERL agenda. At each program, a moderator engaged the author and then invited the audience to participate in a question-and-answer session. CERL Book Talks have allowed CERL to widen its public audience and raise the community's awareness of these vital issues.

### **SEE IT, SHOOT IT: THE SECRET HISTORY OF CIA'S LETHAL DRONE PROGRAM BY CHRISTOPHER FULLER**

**November 8, 2017**


*See It, Shoot It* has been described as an eye-opening study that uncovers the history of the most important instrument of U.S. counterterrorism today: the armed drone. The author reveals that, contrary to popular belief, the CIA's covert drone program is not a product of 9/11 but rather is the result of U.S. counterterrorism practices extending back to a group of policymakers in the Reagan administration. Mark Nevitt, Penn Law's Sharswood Fellow and former U.S. Navy flight officer and JAG attorney, moderated.




### Book Talk

*with*  
**Dr. Christopher J. Fuller**

**WEDNESDAY, NOVEMBER 8, 2017**  
**12:00 – 1:15 p.m.**  
Silverman 280 | Penn Law  
Open to the public




**DR. CHRISTOPHER J. FULLER**  
*Lecturer in Modern American History, University of Southampton, U.K.*



**SEE IT / SHOOT IT**  
The Secret History of the CIA's Lethal Drone Program


This eye-opening study uncovers the history of the most important instrument of U.S. counterterrorism today: the armed drone. It reveals that, contrary to popular belief, the CIA's covert drone program is not a product of 9/11. Rather, it is the result of U.S. counterterrorism practices extending back to an influential group of policy makers in the Reagan administration.

Tracing the evolution of counterterrorism policy and drone technology from the fallout of Iran-Contra and the CIA's "Eagle Program" prototype in the mid-1980s to the emergence of al-Qaeda, Fuller shows how George W. Bush and Obama built upon or discarded strategies from the Reagan and Clinton eras as they responded to changes in the partisan environment, the perceived level of threat, and technological advances. Examining a range of counterterrorism strategies, he reveals why the CIA's drones became the United States' pre-ferred tool for pursuing the decades-old goal of preemptively targeting anti-American terrorists around the world.



**MODERATED BY:**  
**MARK NEVITT**  
*Former aviator and attorney in the U.S. Navy, Sharswood Fellow at Penn Law*

We welcome you to join us during this is a brown-bag event.  
**This is the first in a series of new book talks that CERL will host during 2017-18 academic year.**



**PERMANENT STATE OF EMERGENCY: UNCHECKED EXECUTIVE POWER  
AND THE DEMISE OF THE RULE OF LAW**

**BY RYAN ALFORD**

**January 31, 2018**

The ongoing failure to address the torture of detainees at Guantánamo Bay, targeted killing, and mass surveillance is a symptom of the most serious constitutional crisis in American history: the expansion of executive authority that negates the rule of law. The author argues that the Congress and courts facilitated the breakdown of the nation's constitutional order and set the stage for presidential supremacy, which he states is now more than imperial: it is an elective dictatorship. Professor Claire Finkelstein, CERL faculty director, moderated.



**Book Talk *with* Dr. Ryan Alford**

Moderated by Kermit Roosevelt



***Permanent State of Emergency: Unchecked Executive Power and the Demise of the Rule of Law***

In the wake of the attacks of September 11, 2001, the United States launched initiatives that test the limits of international human rights law. The indefinite detention and torture of detainees at Guantánamo Bay, targeted killing, and mass surveillance require an expansion of executive authority that negates the rule of law.

In *Permanent State of Emergency*, Ryan Alford establishes that the ongoing failure to address human rights abuses is a symptom of the most serious constitutional crisis in American history. Instead of curbing the increase in executive power, Congress and the courts facilitated the breakdown of the nation's constitutional order and set the stage for presidential supremacy. The presidency, Alford argues, is now more than imperial: it is an elective dictatorship. Providing both an overview and a systematic analysis of the new regime, he objectively demonstrates that it does not meet even the minimum requirements of the rule of law. At this critical juncture in American democracy, *Permanent State of Emergency* alerts the public to the structural transformation of the state and reiterates the importance of the constitutional limits of the American presidency.

**WEDNESDAY JANUARY 31, 2018**

12:00 – 1:30 p.m.

Silverman 147 | Penn Law



**RYAN ALFORD**  
*Associate Professor of Law,  
Lakehead University (Canada)*



**KERMIT ROOSEVELT**  
*Professor of Law,  
Penn Law*

LUNCH WILL BE PROVIDED





**UNJUSTIFIABLE MEANS: THE INSIDE STORY OF HOW THE CIA,  
PENTAGON, AND US GOVERNMENT CONSPIRED TO TORTURE  
BY MARK FALLON**

**March 15, 2018**

The author reveals a dark side of the U.S. government, which threw our own laws and international covenants aside to become a nation that tortured suspects and detainees. These activities were sanctioned by the highest-ranking members of the Bush Administration, the U.S. Army, and the CIA, many of whom still hold government positions, although none have been held accountable. Retired U.S. Army Brigadier General Stephen Xenakis, M.D., and former General Counsel of the Navy Alberto Mora participated in the discussion. Professor Claire Finkelstein, CERL faculty director, moderated.



**Book Talk with Mark Fallon**

A DISCUSSION WITH

**Dr. Stephen Xenakis, Brig. Gen. (ret.)**

**Mr. Alberto Mora, Harvard Kennedy School, former General Counsel of the Navy**

MODERATED BY

CERL Director Prof. Claire Finkelstein

WITH OPENING REMARKS FROM

Prof. Kermit Roosevelt

**THURSDAY, MARCH 15, 2018**

12:00 – 1:30 p.m.

Fitts Auditorium | Penn Law



***Unjustifiable Means: The Inside Story of How the CIA,  
Pentagon, and US Government Conspired to Torture***

In *Unjustifiable Means*, Fallon reveals this dark side of the United States government, which threw our own laws and international covenants aside to become a nation that tortured—sanctioned by the highest-ranking members of the Bush Administration, the Army, and the CIA, many of whom still hold government positions, although none have been held accountable. Until now.

Follow along as Fallon pieces together how this shadowy group incrementally—and secretly—loosened the reins on interrogation techniques at Gitmo and later, Abu-Ghraib, and black sites around the world. He recounts how key psychologists disturbingly violated human rights and adopted harsh practices to fit the Bush administration's objectives even though such tactics proved ineffective, counterproductive, and damaging to our own national security. Fallon untangles the powerful decisions the administration's legal team—the Bush "War Counsel"—used to provide the cover needed to make torture the *modus operandi* of the United States government. As Fallon says, "You could clearly see it coming, you could wave your arms and yell, but there wasn't a damn thing you could do to stop it."

*Unjustifiable Means* is hard-hitting, raw, and explosive, and forces the spotlight back on to how America lost its way. Fallon also exposes those responsible for using torture under the guise of national security, as well as those heroes who risked it all to oppose the program. By casting a defining light on one of America's darkest periods, Mark Fallon weaves a cautionary tale for those who wield the power to reinstate torture.

**LUNCH WILL BE PROVIDED AND THE AUTHOR'S BOOK WILL BE ON SALE.**

This program has been approved for 1.0 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.



**COLLUSION: SECRET MEETINGS, DIRTY MONEY, AND  
HOW RUSSIA HELPED DONALD TRUMP WIN  
BY LUKE HARDING**

**March 19, 2018**

In connection with the 2016 presidential election, the author presents a powerful case for Russian interference and Trump campaign collusion. Though he does not claim to provide the “smoking gun” proof that would bring the investigation to a dramatic conclusion, the author does provide evidence that, when considered as a whole, is overwhelmingly compelling. Mitchell A. Orenstein, Professor of Russian and East European Studies at the University of Pennsylvania, participated. NBC10 reporter Lauren Mayk moderated.



**Book Talk with Luke Harding**



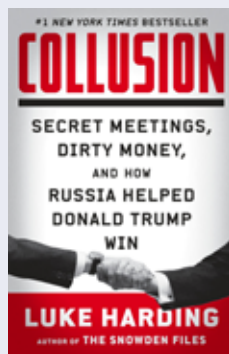
Luke Harding discusses his  
NY Times #1 Bestseller  
“Collusion: Secret Meetings, Dirty Money,  
and How Russia Helped Donald Trump Win”

MODERATED BY  
NBC reporter Lauren Mayk



**MONDAY, MARCH 19, 2018**

4:30 p.m.  
Gittis 1 | Penn Law



*Collusion: Secret Meetings, Dirty Money, and  
How Russia Helped Donald Trump Win*

In light of the continually unfolding drama surrounding investigations into the Trump election campaign, Luke Harding’s book is understandably a bestseller. Though it does not claim to provide the “smoking gun” proof that would bring the investigation to a dramatic conclusion, it does provide evidence that, when stacked up and read altogether in one place, is overwhelmingly compelling.

Harding, who served as *The Guardian’s* Moscow bureau chief for four years before being thrown out of the country for his critical reporting on Vladimir Putin’s government, presents a powerful case for Russian interference, and Trump campaign collusion. Harding’s previous book *A Very Expensive Poison*, about the assassination of Alexander Litvinenko and Putin’s war with the west, caused much controversy for the author while in Russia, and he later met many of the characters who now feature in the current investigations.

Join us to learn more about Harding’s close insights, and to hear his take on current events as they unfold.

This program has been approved for 1.0 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.



## EVENTS 2018-2019

### INTERROGATION AND TORTURE: INTEGRATING EFFICACY WITH LAW AND MORALITY

September 20-21, 2018

This two-day by-invitation-only conference will examine new scientific research, practices, and legal developments. Participants, from legal studies, philosophy, psychology, neuroscience, ethics, career investigation and interrogation, and international relations will delve into these issues, which have the potential to transform the current policies and practices of governments worldwide. Juan Méndez, former UN Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, will deliver the public keynote address entitled “A Universal Protocol for Investigative Interviewing: An End to Interrogation and Torture” on September 20. Co-sponsors are the University of Geneva Global Studies Institute and Penn’s Quattrone Center for the Fair Administration of Justice.



### DEMOCRACY IN THE CROSSHAIRS: CYBER INTERFERENCE, DARK MONEY AND FOREIGN INFLUENCE

November 2-3, 2018

This two-day by-invitation-only conference will address the complex legal, ethical, and political issues raised by cyber and non-cyber foreign interference in democratic institutions along with ways policymakers and academics can contribute to efforts to protect against infiltration. On November 2, there will be a public keynote panel presentation entitled “Foreign Interference in the Democratic Process: Countdown to the Midterms.” Both the conference and keynote presentation will take place at the National Constitution Center. Co-sponsors are the Foreign Policy Research Institute (FPRI), The Andrea Mitchell Center for the Study of Democracy, Zicklin Center for Business Ethics Research at Wharton, and Penn’s Office of Information Security (OIS). Included in the three-day event is The Paul G. Haaga, Jr. Lecture in Law, Government, and Public Policy, an annual Penn Law distinguished lecture, which will be delivered on November 1 by H.R. McMaster, retired U.S. Army lieutenant general and former national security advisor in the Trump Administration. His lecture is entitled “Russian New Generation Warfare and the Threat to the Free World.”





## SOVEREIGNTY AND THE NEW EXECUTIVE AUTHORITY

January 24, 2019

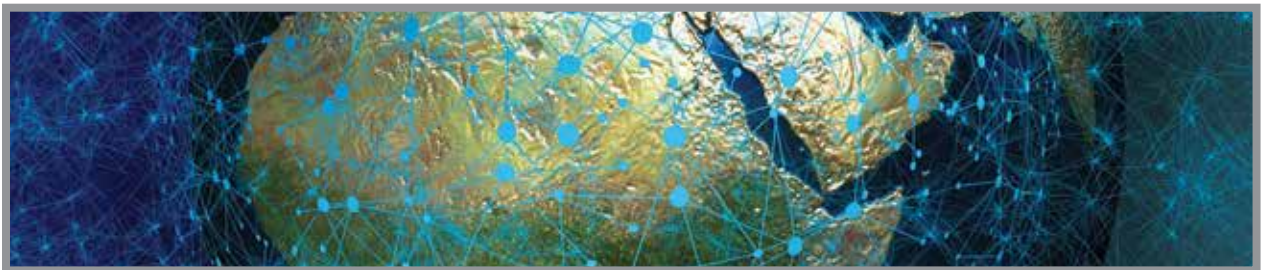
This half-day public symposium will celebrate the 2018 publication of *Sovereignty and the New Executive Authority* issued under the *Oxford Series in Ethics, National Security, and the Rule of Law* and edited by Claire Finkelstein and Michael Skerker. Developing themes from the volume, this conference will focus on “vertical sovereignty,” or the relation of the state to its citizens. The traditional view holds that people are sovereign in a democracy and that sovereignty is exercised through elected and unelected officials. When political leaders themselves pose a threat to the rule of law, however, a political crisis could befall the country. Participants will examine the current exercise of executive authority in the United States and whether it has weakened the rule of law, and the place of that authority in future governance. This symposium will take place in Washington, D.C.



## THE FOREIGN AGENTS REGISTRATION ACT: IS FARA EFFECTIVE FOR EXPOSING FOREIGN PROPAGANDA?

February 22, 2019

The Foreign Agents Registration Act (FARA) has garnered greater public attention in light of Special Counsel Robert Mueller’s investigation and the prosecution of officials, including Paul Manafort, for FARA breaches. Many attorneys have reported a significant uptick in FARA-related inquiries and, according to the Department of Justice (DOJ), there were 50% more FARA filings in 2017 than in 2016. In this Washington, D.C., symposium combining public and closed sessions, legal and policy experts will examine FARA’s current purpose, requirements, and enforcement and offer recommendations that ensure FARA’s provisions achieve its legislative intent.



## CHALLENGING THE GREY ZONE: THE CHANGING CHARACTER OF WARFARE AND THE CONTINUED APPLICATION OF INTERNATIONAL LAW

April 3-5, 2019



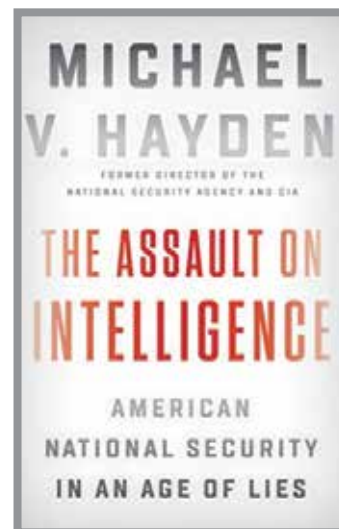
In this closed-session conference, academics, lawyers, and experts in the military, private sector, and government will examine the ethical, legal, and moral questions that surround grey zone conflicts. Topics will include grey zone tactics, information warfare, and digital media and their place amidst the international security landscape; cybersecurity, cyberwarfare, and other technological levers of grey zone pressure; attribution of legal and political accountability; third-party support for grey zone tactics within conventional conflict environments; and the future trajectory of armed conflict. The conference will include a public keynote address.

## BOOK TALK SERIES 2018-2019

### ***THE ASSAULT ON INTELLIGENCE: AMERICAN NATIONAL SECURITY IN AN AGE OF LIES*** **BY MICHAEL V. HAYDEN**

**September 13, 2018**

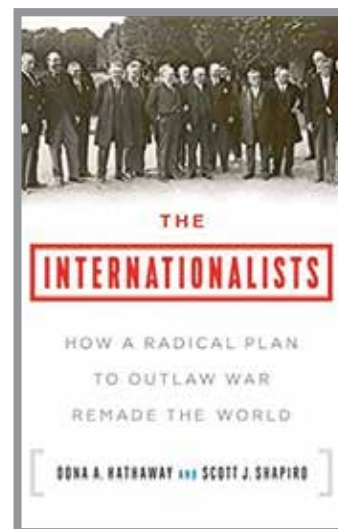
General Michael V. Hayden, retired four-star U.S. Air Force general and former director of the CIA and the National Security Agency (NSA), will discuss his “blistering critique of the forces threatening the American intelligence community.”



### ***THE INTERNATIONALISTS: HOW A RADICAL PLAN TO OUTLAW WAR REMADE THE WORLD*** **BY OONA HATHAWAY AND SCOTT SHAPIRO**

**October 4, 2018**

The authors, two Yale Law professors, tell the story of the Kellogg-Briand Pact of 1928 and its impact on the international system that has outlawed wars of aggression and brought unprecedented stability to the world.



*Additional book talks will be scheduled and posted on the CERL web site, [www.law.upenn.edu/institutes/cerl/](http://www.law.upenn.edu/institutes/cerl/)*





## **CERL IMPACT**

CERL leadership, executive board members, and fellows conducted ethics and policy briefings, appeared in the media, wrote opinion pieces, and presented at public events on CERL-related topics.

### **BRIEFING TO STAFF OF U.S. SENATOR ANGUS KING (MAINE)**

**November 3, 2017**

CERL held its first briefing session with the staff of a U.S. senator. Professor Claire Finkelstein, CERL Executive Board Members Paul G. Haaga, Jr., and Stephen Xenakis along with CERL Research Director Carlton Haelig went to Capitol Hill to brief members of Senator King's national security staff. The CERL team addressed CERL's important work on the intersection of combat trauma and the opioid crisis, the need to revise or replace the Authorization for the Use of Military Force (AUMF), and the current state of military commissions.



### **BRIEFING TO DEPARTMENT OF DEFENSE OFFICIALS AT THE PENTAGON**

**April 13, 2018**

Penn national security students traveled to Arlington, Virginia, and spent a full day at the Pentagon meeting with high-level Department of Defense legal and operational officials to discuss the existing authorization for the use of military force in Iraq and Syria (the 2001 and 2002 AUMFs). Their visit coincidentally took place on the same day the United States, France, and the United Kingdom launched an air strike against the Syrian government in response to Syria's use of chemical weapons. The CERL team was in turn briefed by a representative from the Joint Chiefs of Staff. They then participated in a roundtable discussion with LTG Charles Pede, Judge Advocate General of the U.S. Army, and met with The Honorable Thomas Ayres, General Counsel of the U.S. Air Force and former Deputy Judge Advocate General of the U.S. Army.





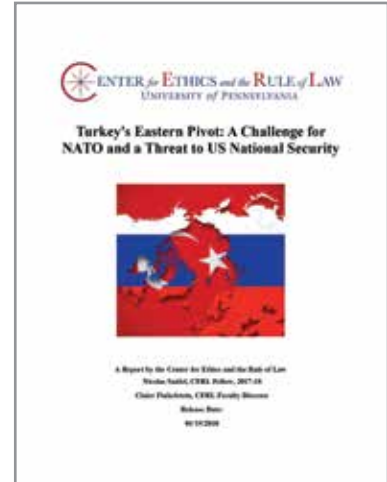
## POLICY BRIEFING PAPERS

### TURKEY'S EASTERN PIVOT: A CHALLENGE FOR NATO AND A THREAT TO U.S. NATIONAL SECURITY

January 18, 2018

This paper examines Turkey's increasingly hostile actions towards the United States and its NATO allies as well as its expanding cooperative relationship with Russia and Iran and the dilemmas they present to the Western Alliance. It provides concrete recommendations for policymakers to strengthen Turkey's relationship with NATO through nuanced diplomacy using a combination of incentives and punitive measures.

<https://www.law.upenn.edu/live/files/7539-turkey-nato-1192018>

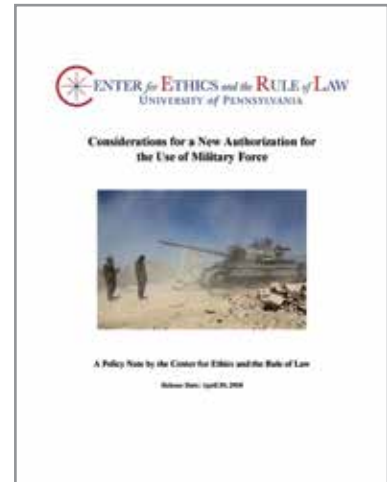


### CONSIDERATIONS FOR A NEW AUTHORIZATION FOR THE USE OF MILITARY FORCE

April 20, 2018

Enacted after the September 11 attacks, the 2001 Authorization for the Use of Military Force (AUMF) contains ambiguous language that can lead to overbroad interpretations and over expansive applications. This paper explains the need for a new AUMF that will include parameters governing the geographic and temporal scope of authorized military operations; contain politically defined end-state objectives; provide guidance on operational appropriations of manpower, material, and money; and comport with international humanitarian law and jus ad bellum principles.

<https://www.law.upenn.edu/live/files/7911-aumf-policy-note-final20-april-2018pdf>

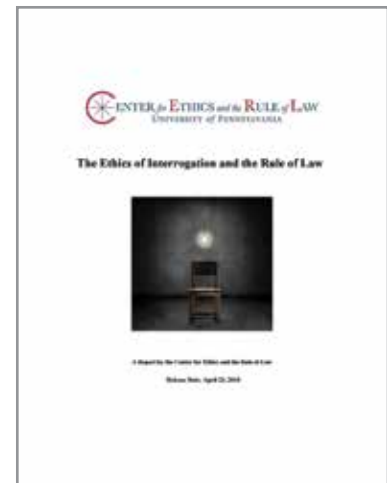


### THE ETHICS OF INTERROGATION AND THE RULE OF LAW

April 23, 2018

The public statements of President Trump and the confirmation of Gina Haspel as the Director of the CIA could signal a return to Bush-era interrogation techniques applied to detainees arrested during the war on terror. This paper clarifies the current legal status of torture under U.S. and international law, explores the avenues that could be used to revive the torture program, and recommends legal avenues to forestall the possibility that the current or future presidents could reinstate torture by executive order.

<https://www.law.upenn.edu/live/files/7921-the-ethics-of-interrogation-and-the-rule-of-lawpdf>



## IN THE NEWS

Claire Finkelstein is interviewed for “Trump & Pardoning Power,” WHYY Radio Times, July 28, 2017  
<https://www.youtube.com/watch?v=iW39bZXJYCc>

Claire Finkelstein is interviewed for “President Trump continues to flip flop,” OMNY FM, August 16, 2017  
<https://omny.fm/shows/scott-thompson-show/president-trump-continues-to-flip-flop>

CERL Executive Board Member Jens David Ohlin is quoted in “Trump wants an unlimited troop increase in Afghanistan. He’s going to need Congress’s help,” by Amber Phillips, The Washington Post, August 22, 2017  
[https://www.washingtonpost.com/news/the-fix/wp/2017/08/22/trump-wants-an-unlimited-troop-increase-in-afghanistan-hes-going-to-need-congress-help/?noredirect=on&utm\\_term=.553e2c846a95](https://www.washingtonpost.com/news/the-fix/wp/2017/08/22/trump-wants-an-unlimited-troop-increase-in-afghanistan-hes-going-to-need-congress-help/?noredirect=on&utm_term=.553e2c846a95)

CERL Executive Board Member Shawn Turner is interviewed for “Sessions considers special counsel to investigate the Clintons,” CNN, November 13, 2017  
<https://www.cnn.com/videos/politics/2017/11/14/jeff-sessions-special-counsel-turner-sot-ctn.cnn>

Claire Finkelstein is interviewed on “Catch up on This Week with Trump,” OMNY FM, December 4, 2017  
<https://omny.fm/shows/scott-thompson-show/catch-up-on-this-week-in-trump>

Claire Finkelstein is interviewed for “Le ‘Russiagate’ fissure le mur de Trump,” by Jean-Cosme Delaloye, Geneva Tribune, December 15, 2017  
<https://www.law.upenn.edu/live/files/7329-tribune-de-geneve-interview>

Claire Finkelstein discusses “Nunes memo: truth and consequences,” on WHYY’s Radio Times, February 5, 2018  
<https://whyy.org/episodes/nunes-memo-truth-consequences/>

Claire Finkelstein is quoted in “Russian election interference is far from over. I asked 9 experts how to stop it,” by Emily Stewart, Vox, February 19, 2018  
<https://www.vox.com/policy-and-politics/2018/2/19/17023240/election-2018-russia-interference-stop-prevent>

Claire Finkelstein is interviewed for “Ga. Campaigns Prepare for Potential Russian Interference in 2018 Elections,” 90.1 FM WABE, February 23, 2018  
<https://www.wabe.org/ga-campaigns-prepare-potential-russian-interference-2018-elections/>

Claire Finkelstein is interviewed for “Jared Kushner’s Future In The White House After A Security Clearance Downgrade,” WBUR On Point with Ray Suarez, March 1, 2018  
<http://www.wbur.org/onpoint/2018/03/01/kushner-security-clearance>

CERL Executive Board Member Duncan MacIntosh is featured on a radio broadcast panel on “Autonomous Weapons: War in the Age of Intelligent Machines,” Mainstreet, Canadian Broadcasting Corporation (CBC), March 21, 2018.

CERL Executive Board Member Duncan MacIntosh is featured in “SMU to Host Debate on Killer Robots (with roboticist Noel Sharkey),” The Chronicle Herald, March 21 2018

Claire Finkelstein is interviewed by BBC World News on “Russian cyber interference,” April 2018

CERL Acting Executive Director Cassandra Steer is quoted in “Space war is coming—and the U.S. is not ready,” by Bryan Bender and Jacqueline Klimas, Politico, April 6, 2018

<https://www.politico.com/story/2018/04/06/outer-space-war-defense-russia-china-463067>

CERL Executive Board Member Duncan MacIntosh is featured in “Stopping killer robots before they get to us first,” a television documentary broadcast on The National, the Canadian Broadcasting Corporation (CBC) national television news show, April 10, 2018

[https://www.youtube.com/watch?v=G7v\\_9jEotVI](https://www.youtube.com/watch?v=G7v_9jEotVI)

CERL Executive Board Member Duncan MacIntosh is featured in “‘Very urgent’: Activists want global treaty to ban killer robots by 2019,” by Nahlah Ayed, CBC News, April 10, 2018

CERL Executive Board Member Duncan MacIntosh is quoted in “Korean handshake sparks optimism for peace,” The Chronicle Herald, April 29, 2018

CERL Executive Board Member Dr. Stephen Xenakis is a guest on PBS NewsHour for “The arguments for and against Gina Haspel as CIA Director,” May 9, 2018

<https://www.pbs.org/newshour/show/the-arguments-for-and-against-gina-haspel-as-cia-director>

CERL Executive Board Member Alberto Moro is interviewed on CNN’s Amanpour on “Fmr U.S. Navy Counsel: Haspel is ‘unqualified,’” May 11, 2018

<https://www.cnn.com/videos/tv/2018/05/11/amanpour-gina-haspel-alberto-mora.cnn>

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*Stephen Xenakis, M.D.,  
Brigadier General (Ret.), U.S. Army, and  
CERL Executive Board member*



*Mr. Shawn Turner,  
CNN commentator and  
CERL Executive Board member*

## LECTURES

**Claire Finkelstein lecture, “Is the U.S. Becoming a Constitutional Dictatorship? Executive Authority Post 9/11,”** *University of Maryland, September 28, 2017*

**Claire Finkelstein lecture, “Is the U.S. Becoming a Constitutional Dictatorship? Executive Authority and the Rule of Law in the Age of Trump,”** *Kahn Liberal Arts Institute at Smith College, November 6, 2017*

**Claire Finkelstein presentation, “Commenting on Doug Bandow at The Way Forward with North Korea,”** *Penn Federalist Society, November 15, 2017*

**CERL Executive Board Member Duncan MacIntosh panel presentation, “Two Minutes to Midnight: Can the Crisis in North Korea Be Defused,”** *Centre for the Study of Security and Development, Dalhousie University, Halifax, Nova Scotia, November 23, 2017*

**CERL Executive Board Member Duncan MacIntosh presentation, “De-Weaponizing Incivility and Disinformation: Do We Need A (Virtual) Two-State Solution For America?,”** *Colloquium of the Philosophy Department, Dalhousie University, Halifax, Nova Scotia, January 2018*

**CERL Executive Board Member Duncan MacIntosh in a debate (with Noel Sharkey), “Autonomous Weapons: War in the Age of Intelligent Machines,”** *co-sponsored by the University of King’s College and the Saint Mary’s University Faculty of Science, March 21, 2018*

**Claire Finkelstein presentation, “Is the US Becoming a Constitutional Dictatorship? Executive Authority in the Age of Trump,”** *South Florida Alumni Association, Miami, June 4, 2018*



*Prof. Claire Finkelstein, CERL Faculty Director*



*Prof. Duncan MacIntosh, CERL Executive Board member*

## 2018 SUMMER INTERNSHIP PROGRAM

Once again, CERL held its specialized internship program for 12 students over an eight-week period. Professional, graduate, and exceptional undergraduate students from the University of Pennsylvania and elsewhere comprised a diverse and interdisciplinary intern class eager to learn and apply ethical values and rule of law principles to issues of national security, armed conflict, and transnational crises.

Interns worked in teams under the supervision of CERL's leadership on eight discrete projects. Four teams focused on and researched the subject matter of upcoming CERL conferences: dark money, cyber interference, and foreign interference in democratic elections; and kinetic and non-kinetic activities in grey zone conflicts. They conducted additional research for upcoming symposia covering interrogation and torture and the privatization of the military. Additionally, interns delved into researching the enforcement of the Foreign Agent Registration Act and prepared a memorandum that will serve as the foundation for a rule of law handbook. They also produced an original policy briefing paper and a post for CERL's blog, The Rule of Law Post, currently in production.

Throughout the internship, expert guest speakers visited and shared their knowledge and perspectives while engaging interns in robust dialogue. The interns received a valuable educational experience while contributing substantively to CERL's mission and work product.



*Back row from left: Christopher Umanzor, Alex Rabin, Andrés Fernández Palleres, Kevin Scrofani, Emma Sullivan Middle row from left: Bianca Donadio, Dila Törlak, Joseph Lasky, Nicole Lemire Garlic Front row from left: Carlton Haelig, Prof. Claire Finkelstein, Elaine Lee, Calvin Warner, Talya Djemal, Executive Director Chris Welsh*



*Joe Lasky presenting his team's report at CERL's annual summer intern soiree*





*Alex Rabin and Christopher Umanzor*



*Ret. U.S.N.R. Captain Robert Fuller, supporter of the 2018 summer internship program, and Prof. Claire Finkelstein*



*Dila Torlak presenting her team's report on dark money*



*From left: Andrés Fernández Pallares, guest speaker and CERL Executive Board Member Shawn Turner, Elaine Lee*



*Guest speaker Mark Nevitt, Penn Law's Sharswood Fellow and former U.S. Navy flight officer and JAG attorney*



*Soiree guests Mr. Chris Mondics, Ms. Michal Smith, Mr. Reuben Loewy*



*Interns' research reports*



“I had a great experience in the CERL summer program. The CERL speaker series provided us with the chance to meet global thought leaders in our areas of research. We benefited greatly from engaging with preeminent scholars and the bright students here as well. The diversity of disciplinary backgrounds among the experts and the other research assistants enriched our analysis and allowed us to write more clearly, informed by a variety of perspectives. The program certainly enhanced my thinking about the rule of law, and I’m proud that our team was able to contribute something of substance.”

**Calvin H. Warner**, *incoming J.D., Vanderbilt Law School*

“CERL has opened my eyes to the national security issues that our nation faces in today’s networked communication environment. Through the internship, I have learned how to think critically about the ethical challenges we face in protecting our borders while upholding the rule of law, not just as a philosophical construct, but as best practice. The stimulating lectures and team approach to research has taught me how to think across disciplinary lines in working towards implementable solutions.”

**Nicole Lemire Garlic**, *Ph.D.,  
Media & Communications, Temple University*



*Back row from left: Alex Rabin, Andrés Fernández Pallares, Kevin Scrofani  
Middle row from left: Bianca Donadio, Joseph Lasky, Emma Sullivan  
Front row from left: Christopher Umanzor, Elaine Lee, Talya Djemal,  
Calvin Warner, Dila Torlak, Nicole Lemire Garlic*

“I’m really thankful for the opportunity to discover entirely new perspectives from my fellow interns. Because we all come from different academic backgrounds, we frequently have taught each other how to look at international security issues through multiple lenses and disciplines.”

**Alex Rabin**, *B.A.,  
Political Science, International Relations,  
University of Pennsylvania*

“I really appreciated the balance of freedom and structure given to CERL interns. Our time to research and digest the unfamiliar, complex material was supplemented with structured events with CERL fellows, experts from various fields, and access to resources from within and without Penn Law School. This blend of responsibility for complex material, peers with interdisciplinary perspectives to challenge my own, and the structure of the CERL’s internship program made for a wholly positive experience.”

**Kevin Scrofani**, *J.D., Rutgers Law School–Camden*

and proved to be a wonderful opportunity to draw from my political science background while crafting a product that was markedly different from a political science research paper. I had limited exposure to interdisciplinary collaboration prior to my CERL experience, I was unfamiliar with what grey zone exactly meant, and I had never written a targeted memo. I evolved as a writer and academic by approaching the literature from a fresh perspective, engaging with members of CERL, and interacting with a bright cohort of interns.”

**Joseph Lasky**, *Masters in Political Science, Villanova University*

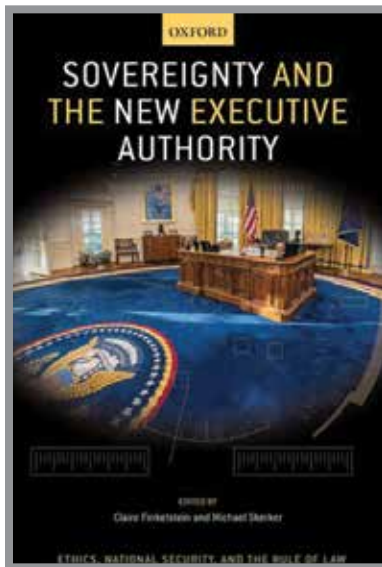
“I really enjoyed the CERL internship experience. I learned from the chance to diversify my arsenal of writing styles. The memo-writing, blog, and constant reading of military literature, government reports, and some legal pieces really helped me diversify from my typical political science, anthropology-type of readings. In a similar way, I vastly appreciated the speakers. They all helped me understand key issues about content in the topics they discussed.

**Andrés Fernández Pallares**, *B.A., International Relations, University of Pennsylvania*



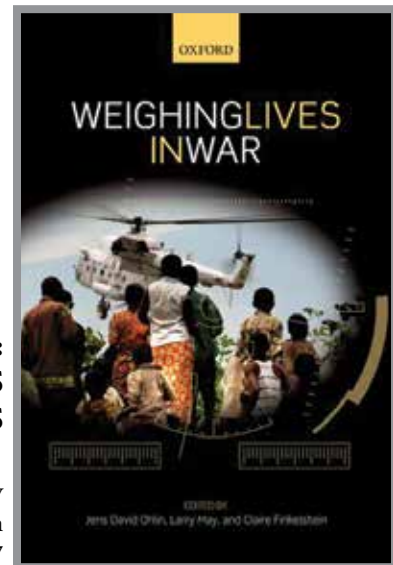
## PUBLICATIONS

CERL is proud to partner with Oxford University Press in producing its series *Ethics, National Security, and the Rule of Law*. Four volumes have been published in this series to date. With additional volumes accepted for publication as part of the newly established OUP series, CERL continues to broaden its reach to provide a valuable resource for academics and policymakers alike.



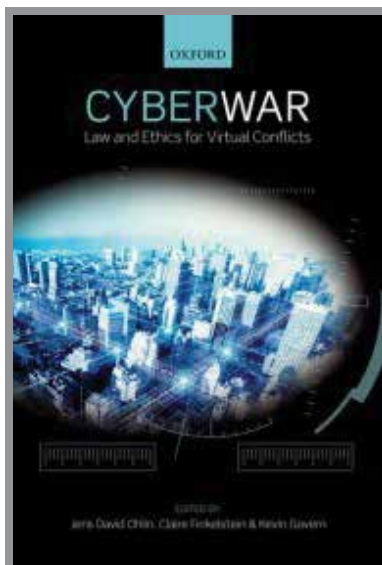
### **SOVEREIGNTY AND THE NEW EXECUTIVE AUTHORITY**

Edited by Claire Finkelstein and  
Michael Skerker  
Oxford University Press, 2018



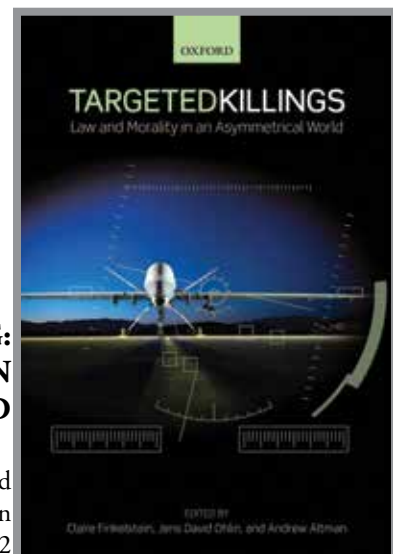
### **WEIGHING LIVES IN WAR: COMBATANTS AND CIVILIANS**

Edited by Jens David Ohlin, Larry  
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Oxford University Press, 2017



### **CYBERWAR: LAW AND ETHICS FOR VIRTUAL CONFLICTS**

Edited by Jens David Ohlin, Kevin  
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Oxford University Press, 2015



### **TARGETED KILLING: LAW AND MORALITY IN AN ASYMMETRICAL WORLD**

Edited by Claire Finkelstein, Jens David  
Ohlin, and Andrew Altman  
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