



# CERL Annual Report

2023-2024



Center for Ethics  
and the Rule of Law  
*UNIVERSITY of PENNSYLVANIA*





## ANNUAL REPORT 2023-2024

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## About CERL

The Center for Ethics and the Rule of Law (CERL) is a non-partisan, interdisciplinary institute dedicated to preserving and promoting ethics and the rule of law in national security, warfare, and democratic governance. CERL draws from the study of law, philosophy, and ethics to answer the difficult questions that arise in times of war and contemporary transnational conflicts.

CERL's conferences and symposia focus on some of the most daunting issues facing our country and the world. Academics, legal experts, intelligence officials, journalists, public servants, and private sector professionals convene to engage in discussion and analysis, produce papers, identify needed policies and actions, and issue recommendations. CERL enjoys a particularly constructive partnership with the armed services, collaborates with the private sector's defense industry, and partners with renowned public interest organizations and academic centers.

CERL also conducts ethics and policy briefings; drafts and disseminates policy papers; publishes volumes as part of an ethics, national security, and rule of law book series; presents book talks with high-profile authors; participates in podcasts; and engages with national and international media. CERL's summer internship program focuses on fostering the next generation of national security professionals through research, writing, and conference planning to help ensure their future perspectives and decisions are ethical and grounded in the rule of law.

Since 2012, CERL has raised public consciousness and influenced policy through varied activities that tackle serious and often complex threats to or violations of the rule of law. CERL does this to help academia, government, and the public cultivate a clearer understanding of the rule of law and play a role in the preservation of our country's democratic principles and institutions.



*"The Promises and Perils of Artificial Intelligence and Autonomous Weaponry," co-sponsored by the Annenberg Public Policy Center, the GRASP Lab, and MITRE, in Philadelphia, PA, on April 11 – 13, 2024.*





## Letter from Board Chair

Dear Friends:

Here in the United States and around the world, democratic norms and institutions face intensifying threats. Our system of governance is under challenge from authoritarian leaders who propagate misinformation, use divisive rhetoric, and stretch or exceed the bounds of the law to consolidate power. Now more than ever, I am proud to chair the Board of an organization that is committed to defending ethics and the rule of law.

Since its inception, CERL has guided policymakers and raised public consciousness on critical ethics and rule of law issues through a nonpartisan and interdisciplinary lens. This past academic year, the Center hosted timely workshops on Section 702 of the Foreign Intelligence Surveillance Act (FISA) as it was set to expire, civilian harm mitigation in wartime, and the promises and perils of artificial intelligence and autonomous weaponry. CERL benefited tremendously from the collective expertise of the Annenberg Public Policy Center, Penn Engineering's GRASP Lab, and MITRE, with whom CERL worked on its conference programming.



I remain impressed by CERL's commitment to generating high-quality programs and thoughtful publications, as well as engaging leading minds in the fields of national security and democratic governance. CERL has consistently applied rigorous analysis on ethics and rule of law values to issues of increasing complexity, and this year was no exception.

I wish to thank CERL's sponsors, intellectual partners, and Board members for their extraordinary contributions and commitment to CERL's mission. We look forward to the year ahead and remain focused on aiding efforts to safeguard the rule of law.

Sincerely,

Morton H. Halperin  
Chair  
Executive Board  
April 2025



## Letter from Faculty Director

Dear Friends of CERL:

We are pleased to present CERL's latest annual report, detailing the many accomplishments of the Center during the 2023-2024 academic year.

CERL held two major workshop-style conferences last year. The first addressed the reauthorization of Section 702 of the Foreign Intelligence Surveillance Act, a topic that was hotly debated in Congress at the time as well as among national security professionals. CERL and the Annenberg Public Policy Center (APPC) brought participants on all sides of the 702 debate together to address the pros and cons of reauthorization.



The second addressed the ethical and legal dilemmas of autonomous weapons on the battlefield. CERL was honored to work with MITRE Corporation and the Penn School of Engineering's GRASP Lab to bring together a fascinating and diverse group of scholars, national security and defense professionals, international experts, and even a member of the U.S. House of Representatives to address the complexities of advanced AI technologies and robotics in war and national security.

CERL also hosted a roundtable discussion on the Civilian Harm Mitigation and Response Action Plan focused on examining the extent of civilian harm in contemporary conflicts and reviewing the measures the United States has implemented to mitigate this harm. Active-duty military, Department of Defense professionals, and academics met for a day-long discussion to address the complexities of attempting to minimize civilian casualties in both low intensity and large-scale combat operations.

As positive as the foregoing events were for the Center, the 2023-24 academic year was also a tumultuous one on university campuses, and Penn was no exception. The attack on Israel by Hamas and affiliated groups on October 7, 2023, along with the ensuing war in Gaza, roiled university campuses and unleashed widespread unrest across the United States.

Through a series of briefings on critical questions relating to the application and interpretation of the law of armed conflict in the Israel-Hamas war, CERL programming played an important role in illuminating and helping to explain the many complexities of the war. Together with the Herbert D. Katz Center for Advanced Judaic Studies, Penn Hillel, and Penn's Cinema and Media Studies Department, CERL hosted a screening of *Supernova: The Music Festival Massacre*, followed by a panel discussion and questions and answer session with the film's directors and a survivor of the music festival massacre. Other programming included a book talk with the FBI's former Assistant Director of Counterintelligence Frank Figliuzzi.

With regard to filings and publications, CERL was proud to publish a white paper with APPC addressing a survey of solutions for countering domestic violent extremism in the military, and the ethical dilemmas posed by countering violent extremism in the ranks. CERL also published two edited volumes as part of its series with Oxford University Press (OUP): *Preventing and Treating the Invisible Wounds of War: Combat Trauma, Moral Injury, and Psychological Health* and *Hybrid Threats and Grey Zone Conflict: The Challenge to Liberal Democracies*. CERL and CERL affiliates were active in litigation, filing two amicus briefs in the Supreme Court, one in the immunity case and another in a case growing out of Guantánamo litigation.

Finally, CERL hosted 13 talented students from diverse disciplines and institutions, including Penn undergraduate and Penn Carey Law, as part of its annual summer internship program. Throughout the summer, CERL's summer interns conducted legal research, drafted white papers, and shaped programming in areas of import to national security. As always, CERL is proud to create opportunities for students to cultivate a strong and clear sense of ethics and the rule of law.

We express our sincerest thanks to APPC for its generous operational, administrative, and financial support, to the donors and Executive Board members that help sustain our efforts to preserve and promote ethics and the rule of law, and to CERL's friends and affiliates for their continued support of our programming and publications. We look forward to engaging in critically important work in the year ahead.

Sincerely,

Claire Finkelstein  
Faculty Director  
April 2025

## EXECUTIVE BOARD

The Executive Board, Affiliated Faculty, Advisory Council, and CERL Team pages reflect current membership and staffing and do not necessarily represent membership and staffing from the 2023-2024 academic year.



**MORTON HALPERIN**

*CERL Board Chair*



**JOHN BAKER**

*Brigadier General (Ret.),  
U.S. Marine Corps; Federal  
Public Defender,  
Western North Carolina*



**VIVIAN BERGER**

*Professor Emerita,  
Columbia Law School;  
Mediator and Arbitrator*



**SEAN CARTER**

*Member, Cozen O'Connor*



**JAMES CARTWRIGHT**

*General (Ret.), U.S. Marine  
Corps; Former Vice Chair,  
Joint Chiefs of Staff; USMC*



**WILLIAM CRAVEN**

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



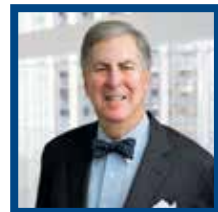
**GARY DEUTSCH**

*Managing Chief Counsel,  
PNC Bank, N.A.*



**ARLENE FICKLER**

*Counsel, Dilworth  
Paxson LLP*



**STUART GERSON**

*Of Counsel, Epstein Becker  
Green; Former Acting Attorney  
General of the United States;  
Founding Member,  
Checks & Balances*



**KEVIN GOVERN**

*Associate Dean for Academic  
Affairs and Professor of Law,  
Ave Maria School of Law*



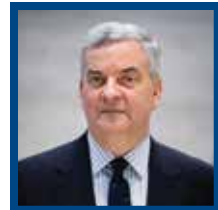
**ROBERT KELNER**

*Partner, Covington  
& Burling LLP*



**DUNCAN MACINTOSH**

*Professor of Philosophy,  
Dalhousie University*



**ALBERTO MORA**

*Immediate past  
Associate Executive Director for  
Global Programs, American Bar  
Association's Rule of Law Initiative*



**CHRISTOPHER MORRIS**

*Professor Emeritus  
of Philosophy, University of  
Maryland*



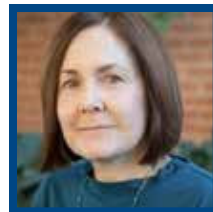
**JENS DAVID OHLIN**

*Allan R. Tessler Dean and  
Professor of Law, Cornell  
Law School*



**HARVEY RISHIKOF**

*Former Director of Military  
Commissions and Convening  
Authority at DoD; former Dean of  
National War College*



**CONNIE ROSATI**

*Roy Allison Vaughan  
Centennial Professor in  
Philosophy and Professor of  
Law, The University of Texas  
at Austin*



**SHAWN TURNER**

*Professor of National Security  
Communication, Michigan  
State University; CNN  
National Security Analyst*



**JOSEPH VOTEL**

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



**PAUL WELSH**

*Vice President, Ansys*



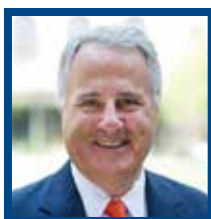
**JENNIFER ARBITTIER  
WILLIAMS**

*Partner, Freeb Sporkin &  
Sullivan LLP*



**STEPHEN XENAKIS, M.D.**

*Brigadier General (Ret.), U.S. Army;  
Advisor for Physicians for Human  
Rights and Center for Victims of  
Torture; Adjunct Professor, Uniformed  
Services University of Health Sciences*



**JULES ZACHER**

*Attorney, Jules Zacher, P.C.;  
Board Chair, Council for a  
Livable World*



**MARK ZAID**

*Managing Partner, Mark S.  
Zaid, PC*



**DELL DAILEY  
EXECUTIVE BOARD EMERITA**

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



**ELIZABETH RINDSKOPF PARKER  
EXECUTIVE BOARD EMERITA**

*Dean Emerita, McGeorge School of  
Law; fmr General Counsel, CIA and  
NSA; Senior Adviser, Center for Strategic  
and International Studies, Defending  
Democratic Institutions Project*



## AFFILIATED FACULTY



**CLAIRE FINKELSTEIN**

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



**ANITA ALLEN**

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



**MITCHELL BERMAN**

*Leon Meltzer Professor of Law and Professor of Philosophy, University of Pennsylvania*



**WILLIAM BURKE-WHITE**

*Professor of Law, University of Pennsylvania Carey Law School*



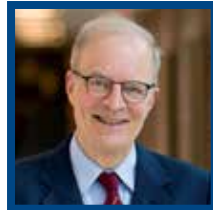
**RANGITA DE SILVA DE ALWIS**

*Senior Adjunct Professor of Global Leadership, University of Pennsylvania Carey Law School*



**STUART DIAMOND**

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



**WILLIAM EWALD**

*Professor of Law and Professor of Philosophy, University of Pennsylvania*



**ERIC FELDMAN**

*Professor of Law; Professor of Medical Ethics & Health Policy, University of Pennsylvania*



**MICHAEL HOROWITZ**

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



**FIROOZEH KASHANI-SABET**

*Walter H. Annenberg Professor of History, University of Pennsylvania*



**KIMBERLY KESSLER FERZAN**

*Earle Hepburn Professor of Law and Professor of Philosophy, University of Pennsylvania*



**DANIEL KODITSCHKE**

*Alfred Fitler Moore Professor, University of Pennsylvania School of Engineering and Applied Science*



**LYNN MESKELL**

*Penn Integrates Knowledge (PIK) Professor, Department of Anthropology, School of Arts & Sciences, Penn Museum, and Weitzman School of Design, University of Pennsylvania*



**JONATHAN MORENO**

*David and Lyn Silfen University Professor; Professor of Medical Ethics and Health Policy and of History and Sociology of Science, University of Pennsylvania*



**ERIC ORTS**

*Guardsmark Professor of Legal Studies and Business Ethics, The Wharton School, University of Pennsylvania*



**SHARON RAVITCH**

*Professor of Practice, Policy, Organizations, Leadership, and Systems Division, University of Pennsylvania Graduate School of Education*



**KERMIT ROOSEVELT**

*David Berger Professor for the Administration of Justice, University of Pennsylvania Carey Law School*



**BETH SIMMONS**

*Andrea Mitchell University Professor in Law, Political Science and Business Ethics, University of Pennsylvania*



**ROGERS SMITH**

*Professor Emeritus, University of Pennsylvania*

## ADVISORY COUNCIL



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*Shareholder, Hangley  
Aronchick Segal Pudlin  
& Schiller*



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*George R. Killam Jr. Chair of  
Criminal Law and Director  
of the Center for Military  
Law and Policy, Texas Tech  
University School of Law*



**GEORGE CRONER**

*Senior Fellow, Foreign Policy  
Research Institute*



**MARK FALLON**

*Co-Founder, Project Aletheia,  
John Jay College of  
Criminal Justice*



**BENJAMIN FARLEY**



**ROBERT FULLER, JR.**

*Captain, U.S. Navy, Judge  
Advocate General's Corps  
(Ret.)*



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*Distinguished Teaching  
Professor, Art History and  
Museum Leadership,  
Drexel University*



**DAVID JONAS**

*Partner, Fluet PLLC*



**VIJAY KUMAR**

*Nemirovsky Family Dean of  
Penn Engineering, University  
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**MARTIN LEDERMAN**

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Georgetown University Law  
Center*



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University of Southern  
California*



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*Emeritus Sekyra and White's  
Professor of Moral Philosophy,  
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of Law and Professor of International  
Peace Studies—Kroc Institute,  
University of Notre Dame*



**STEPHEN SHELLER**

*Founding Partner,  
Sheller, P.C.*

## THE CERL TEAM



**CLAIRE FINKELSTEIN**

*Algernon Biddle Professor  
of Law and Professor of  
Philosophy and Faculty  
Director of CERL*



**MARCOS SOLER**

*Executive Director*



**JENNIFER COHEN**

*Director of Engagement*



**KATHRYN STELLATO**

*Center Coordinator*



**BECCA WEBER**

*Marketing and Events  
Coordinator*

## Fellows



**MIKA WENKERT**

*CERL-ISGAP Fellow*



**KYLE BROWN**

*Visiting Fellow  
Lieutenant, U.S. Army*



**JOSHUA GREENBERG**

*Nonresident Fellow*



**ILYA RUDYAK**

*Nonresident Senior Fellow*

## CERL MOURNS DEATH OF DAVID GAUTHIER

**CERL's Advisory Council member and dear friend and mentor to several members of the CERL Board, David Gauthier passed away on November 9, 2023, at the age of 91.**

Professor Gauthier was one of the greatest moral and political philosophers of his generation. Renowned for his work in moral and political philosophy, as well as his penetrating commentary on figures in the history of philosophy such as Thomas Hobbes, David Hume, and Jean-Jacques Rousseau, the impact of his scholarship has been felt not only across the span of philosophical writings but also in far more distant fields such as law, economics, international relations, and security studies. His most famous work, *Morals by Agreement*, presented an ingenious approach to the age old question "Why be moral?" Gauthier answered by making a compelling argument that committing to moral norms is advantageous for the vast majority of members of a given society. His theory of individual rationality, known as "constrained maximization," held that individuals are better off when they constrain their self-interested behavior in favor of plans coordinated with others for mutual gain. Gauthier was famously able to use this insight to show that under conditions of ideal rationality, foundational problems of decision theory like the Prisoner's Dilemma become possible to solve.



Gauthier was a mentor and dear friend to CERL Faculty Director Claire Finkelstein and CERL Board members Christopher Morris and Duncan MacIntosh. He also had a great influence on the work of CERL Board member and Dean of Cornell Law School Jens David Ohlin. His impact on the work of these CERL Board members was one of the things that brought them together in the first place, and CERL conferences have explored the impact of Gauthier's theory of constrained maximization for important questions in national security, such as nuclear deterrence, cooperation in international law, the authority of the state, and the nature of sovereignty and political authority. In 2022, Professor Finkelstein and Christopher Morris, along with co-editor Susan Dimock, published a two-volume collection with Oxford University Press of Gauthier's later papers.

Professor Finkelstein said, "David Gauthier was a mentor to me in so many ways, and I miss him and our conversations more than I can say. His writings on constrained maximization, about assurances and threats, about the nature of practical reasoning, and of course about Hobbes' political theory remain with me in all that I write, no matter how remote the subject. I continue to reflect on how the profound insights he developed in *Morals by Agreement*, as well as in a series of essays he wrote after the publication of that monumental work, apply to law, legal reasoning, politics, and international relations. I will need another few lifetimes to plumb the depths of all that he was able to offer us on those subjects and so many more."



“For me, Gauthier’s main contributions were, first, that it is rational to commit to any deal that provides you a reasonable share of the surplus of goods yielded by cooperating with other people, second, that such deals are often possible even among people with disparate interests, and third, that it’s rational to comply with any deal to which it’s rational to commit, even where enforcement of compliance is impossible. I see Gauthier as relevant to almost every topic CERL processes. Examples: what such deals should a people make in delegating powers to the President of its country given that the President will then be able to maneuver without inhibition, possibly in secret? Are such deals possible between nations operating in outer space given that the space environment is too fragile for such deals to be enforced by military operations in space? Or in delegation of lethal war fighting to artificial intelligences? Or between nations seeking to deter each other with nuclear weapons? Or seeking peace treaties? Or who are engaged in hybrid, grey-zone warfare? Or in relation to the conduct of corporations in the defense industry? Gauthier’s innovations to bargaining theory, on the logic of conflict and its resolution, and his deployment of decision theory and game theory, are of timeless value on such issues. More personally, I found him a generous and sharp interlocuter, and a marvel of economy and incisiveness in his interventions in the debates of CERL. Were it not for him, my career would have been a vastly smaller thing. I think of him daily.”

Duncan MacIntosh  
Professor, Philosophy Department  
Dalhousie University  
Executive Board Member, CERL

“It’s no exaggeration to say that the publication of David’s book, *Morals by Agreement*, reinvigorated social contract theory, Hobbes studies, theories of rationality, and meta-ethics. Not many people can say that one of their books had such an impact. But even more special was David’s gentle impact on the human beings around him. He was kind and generous, more generous than he needed to be, with admirers, like myself, who were not his equal. I miss his quiet wisdom.”

Jens David Ohlin  
Allan R. Tessler Dean & Professor of Law  
Cornell Law School  
Executive Board Member, CERL

“David Gauthier is one of the most important moral philosopher of our time. He pursued two questions for much of his life. The first might be expressed this way: when we act wrongly or unjustly, we make a mistake and have a reason not to act that way. Why is that? The second, related question is what sort of things are we morally required to do? He pursued these questions in many articles and books, some on the early modern philosophers Thomas Hobbes and Jean-Jacques Rousseau. He wrote as well about politics and policy. One particular set of questions that interested him concerned nuclear deterrence. Early in his career he was a member of the Bank the Bomb movement.”

Christopher W Morris  
Professor Emeritus of Philosophy  
University of Maryland  
Executive Board Member, CERL





## Additions to the CERL Team



### EXECUTIVE BOARD

CERL was pleased to welcome to its Executive Board Jennifer Arbittier Williams, partner at Freeh Sporkin & Sullivan LLP and former United States Attorney for the Eastern District of Pennsylvania. Ms. Williams was the United States Attorney for the Eastern District of Pennsylvania from January 2021 – June 2022, and she is now a Partner at the boutique law firm Freeh Sporkin & Sullivan LLP, where her practice focuses on national security, global risk management, cyber security, and compliance. Additionally, she serves as an Adjunct Professor at the University of Pennsylvania Carey Law School, where she teaches National Security Investigations and Prosecutions.



### AFFILIATED FACULTY

CERL extended a warm welcome to Dr. Sharon Ravitch, Professor of Practice at the University of Pennsylvania's Graduate School of Education, who joined the Center's Affiliated Faculty in the 2023-24 academic year. Dr. Ravitch is a global leadership and organizational diagnostics expert working with leaders, teams, and organizations to cultivate organizational sensemaking practices for cultural and inclusive excellence. She teaches and coaches executives across sectors and global contexts and designs and conducts leadership development with global leaders at Wharton Business School's Executive Education hub.



### ADVISORY COUNCIL

CERL was pleased to welcome Mark Aronchick to its Advisory Council. Mr. Aronchick is Shareholder of Hangley Aronchick Segal Pudlin & Schiller. In 1996, Mark became the first attorney to simultaneously serve as President of the Philadelphia Bar Foundation and Vice Chancellor of the Philadelphia Bar Association. Currently, he is a Fellow of the American College of Trial Lawyers (where he has chaired the Committee on the Federal Rules of Evidence). In the past, he served as a member of the Judicial Conduct Board of the Commonwealth of Pennsylvania and as a member of the attorney Advisory Committee to the United States Court of Appeals for the Third Circuit.

# Additions to the CERL Team

## FELLOWS

CERL was thrilled to welcome three new fellows: Professor Łukasz Kamiński, Ms. Mika Wenkert, and Mr. Joshua Greenberg.

Professor Łukasz Kamiński joined CERL's team as visiting fellow in March and April 2024 to work on issues around the cognitive neuroenhancements of soldiers. Łukasz Kamiński is a professor on the faculty of International and Political Studies at the Jagiellonian University in Krakow, Poland, and leads the LSE IDEAS Central and South-East Europe Programme at the Jagiellonian University, a partnership with the London School of Economics foreign policy think tank. He is the author of *Shooting Up: A Short History of Drugs and War* (OUP).

Ms. Mika Wenkert is a postdoctoral research fellow with CERL and the Institute for the Study of Global Antisemitism and Policy. Mika previously worked as a legal counselor in the Ministry of Justice of Israel, where she provided legal counseling to governmental agencies on a range of issues, including human rights and regulatory matters. She received her Master of Laws degree (LL.M.) from the University of Pennsylvania Carey Law School and her Bachelor of Laws degree (LL.B.) from the Hebrew University of Jerusalem.

Mr. Joshua Greenberg is a nonresident senior fellow at CERL and PhD student in Information Science at Cornell University. His research focuses on the interaction between emerging technologies, the laws of armed conflict, international humanitarian law, and organizational practices of the U.S. military. He holds an M.A. in International Relations and Contemporary War from King's College London, and a B.A. in Philosophy from the University of Michigan. Prior to starting his studies at Cornell, he served as a soldier in the Michigan National Guard and an active-duty Armor officer with the 4th Infantry Division in the United States Army.



*Professor Łukasz Kamiński*



*Ms. Mika Wenkert*



*Mr. Joshua Greenberg*

## Conferences and Symposia



### Legal Dimensions of the Israel-Hamas War: Lunch Briefings

November 30, 2023 - March 28, 2024

CERL hosted a series of one-hour lunchtime briefings, nine in total, about critical questions relating to the application and interpretation of the Law of Armed Conflict (LOAC) in the Israel-Hamas war, featuring experts in national security, military strategy, and the law of war. CERL's Professor Claire Finkelstein moderated. All briefings were conducted online.

### Fighting a Subterranean Enemy in a Densely Populated Area

November 30, 2023

Dense urban warfare involving sophisticated networks of tunnels and concentrated numbers of civilians above ground presents many legal and operational challenges. The goal to eliminate Hamas appears to be inextricably linked to high numbers of civilian casualties under such circumstances. How does the IDF calculate proportionality in its fight against Hamas? Is Israel's current offensive in Gaza consistent with the requirements of proportionality and distinction under LOAC? More generally, is the goal to eliminate Hamas compatible with the duty to mitigate civilian harm?

#### Featured Speakers



Professor Geoffrey S. Corn



Maj. (Res.) Ben Wahlhaus

### Fighting an Enemy Who Uses Civilians as Human Shields

December 6, 2023

Hamas is understood to attempt to deter Israeli attacks by locating their operations in close proximity to civilian infrastructure, such as hospitals, schools, and refugee centers. While the extent of the use of civilians as human shields on the part of Hamas may currently be under dispute, the international consensus appears to be that this is a longstanding tactic of the Hamas network and other terrorist organizations. What is the status under LOAC of civilians used as human shields by terrorist organizations? What is the status under LOAC of civilian infrastructures, such as hospitals, that are used as command-and-control centers by terrorist organizations? What lessons can be drawn from the United States' military operations against ISIS and other terrorist organizations in this regard?

#### Featured Speakers



General (Ret.) Joseph Votel



Professor Orde F. Kittrie



# Legal Dimensions of the Israel-Hamas War: Lunch Briefings

November 30, 2023 - March 28, 2024

Moderated by Professor Claire Finkelstein

## Broader Geopolitical Aspects of the Israel-Hamas War: Iran and Other Global Powers December 14, 2023

Iran has denied a direct role in the Oct. 7 attacks by Hamas on Israel, yet intelligence officials say the complexity and stealth of the attacks bear the hallmarks of Iranian involvement. What role, if any, did Iran play in orchestrating the Hamas attacks? What are the implications of the Israel-Hamas conflict for the geopolitical stability of the region? What are the chances that the conflict will broaden, and that Hezbollah will pose a more significant threat to Israel's survival? Do the recent attacks on U.S. forces by Iranian proxies in Syria, Iran, and Yemen signal a broadening conflict, or are they isolated in nature? What would Iranian coordination and involvement of attacks on Israel and U.S. forces suggest about how the U.S. should handle its support for Israel in the current conflict and its relationship with other nations in the region? What would it imply for relations between the U.S. and Iran?

### Featured Speakers



General (Ret.) James Cartwright



Dr. Morton H. Halperin

## Civilians in War: Securing the Safe Return of Hostages and Ensuring Just Treatment of Detainees December 21, 2023

It has been over two months since Hamas launched its deadly attack on Israel, taking roughly 240 hostages, over 130 of whom remain in captivity. With talks resuming, what are the prospects for future release of hostages coupled with a ceasefire and the release of Palestinian prisoners? What is the role of the mediating countries, Egypt and Qatar? In light of the devastating news that three Israeli hostages were killed by the IDF, what steps is Israel taking to ensure the safety of the hostages while carrying out its operations? What does the flooding of the tunnels in Gaza mean for the security of those in captivity? What is known about Israel's plans for interrogating hundreds of recently arrested suspected Hamas fighters, and is Israel committed to abiding by the Geneva Conventions in their treatment?

### Featured Speakers



Ambassador John W. Limbert



LTC (Res.) Adv. Avi Kalo



Brigadier General (Ret.)  
Stephen N. Xenakis, M.D.



Mr. Ido Dan



# Legal Dimensions of the Israel-Hamas War: Lunch Briefings

November 30, 2023 - March 28, 2024

Moderated by Professor Claire Finkelstein

## ICJ Process Against Israel January 11, 2024

The International Court of Justice (ICJ), a legal body of the United Nations established in 1945 to adjudicate disputes between countries, will hear a case this week that South Africa brought against Israel alleging that its military campaign against Hamas is in violation of the 1948 Genocide Convention. This briefing will address the legal dimensions of this case, examining the critical question of whether Israel, in exercising its right of self-defense, has committed genocidal acts. What can be expected as the hearings unfold? How does the 1948 Convention define the crime of genocide, and what are the obligations of state parties?

### Featured Speakers



Dean Jens David Ohlin



Professor Amichai Cohen

## Lawfare: When Law Becomes an Instrument of War January 25, 2024

South Africa's International Court of Justice (ICJ) case has intensified the debate over whether Israel's military campaign in Gaza is in violation of the international laws that govern war. In a two-day public hearing on Jan. 11-12, the Israeli defense team rejected evidence brought by South Africa accusing Israel of committing genocide in Gaza. What are Israel's arguments, and how will they hold up in court and in public opinion? What role does lawfare—that is, the use of law to achieve military objectives—play in the ongoing conflict? Are certain strategies designed to gain an advantage not just on the battlefield but also in the courtroom?

### Featured Speakers



Colonel (res.)  
Adv. Pnina Sharvit Baruch



Col. John Spencer





# Legal Dimensions of the Israel-Hamas War: Lunch Briefings

November 30, 2023 - March 28, 2024

Moderated by Professor Claire Finkelstein

## Sexual Violence as a Weapon of War and Lessons in PTSD in War February 15, 2024

Several reports, including groundbreaking work by Dr. Cochav Elkayam-Levy of Israel's Civil Commission on October 7 Crimes by Hamas Against Women and Children, have documented the extensive use of sexual and gender-based violence by Hamas during the Oct. 7 attacks. Emerging forensic and testimonial evidence shows a clear pattern of rape and mutilation against Israeli women and children. Yet Hamas continues to deny these allegations, and there has been a wider trend of silencing, downplaying, or dismissing the magnitude of sexual and gender-based abuses. What efforts are underway to collect testimony and document evidence of these crimes? What are the legal mechanisms for holding perpetrators to account? What steps can Israel and the international community take to address the psychological wounds of sexual trauma?

### Featured Speakers



Dr. Cochav Elkayam-Levy



Professor Diane Orentlicher

## Detainees in War: Reporting on the Treatment of Gazans in Israeli Custody March 14, 2024

Since the start of the war, 27 Gazan detainees have died during questioning at the Israeli facilities of Sde Teiman and Anatot, according to Haaretz. Detainees who were released from Israeli custody have described wide-ranging incidents of harassment, including stripping, beating, blindfolding, and sexual abuse. The IDF is investigating the circumstances of these deaths and maintains that Israeli soldiers have acted in compliance with international law. This briefing will address recent reporting on the treatment of Gazan detainees in Israeli custody, as well as the laws that govern the treatment of detainees in war. In addition to the speakers listed below, the head of the legal department of the Public Committee Against Torture in Israel also spoke.

### Featured Speakers



Mr. Alberto Mora



Colonel (res.)  
Adv. Pnina Sharvit Baruch



# Legal Dimensions of the Israel-Hamas War: Lunch Briefings

November 30, 2023 - March 28, 2024

Moderated by Professor Claire Finkelstein

## Perfidy: Intelligence and Military Applications of Trickery and Ruses in the Israel-Hamas Conflict March 28, 2024

Techniques involving perfidy are forbidden under international humanitarian law in warfighting. Undercover operations in intelligence and law enforcement, however, are routine. These may involve the use of disguises and trickery which would not be permissible in armed combat. The war in Gaza and its spillover effect in the West Bank have raised complexities about the context in which intelligence and/or military operations are taking place. For example, earlier in 2024, Israeli special security forces raided a hospital in the West Bank, killing three Palestinian men with ties to militant groups, including Hamas. Footage from the hospital indicates that undercover Israeli security forces disguised themselves as civilians and medical staff, raising questions under international law about the legality of the operation. Was this operation subject to the restrictions on perfidy applicable to the conduct of hostilities? If so, how would the mission for the operation influence assessment of the situation? And what about the many Hamas operatives currently detained by Israel? Might they face accountability for failing to wear distinctive uniforms during hostilities in Gaza?

### Featured Speakers



Professor Geoffrey S. Corn



Dr. Ido Rosenzweig





# The Reauthorization Debate: Charting the Path Ahead for FISA Section 702

October 5 – 6, 2023, Philadelphia

The reauthorization of Section 702 of the Foreign Intelligence Surveillance Act (FISA) is one of the most important legislative items on the Congressional calendar. Unless Congress votes to extend it, FISA Section 702 will expire at the end of calendar year 2023. Enacted in 2008, the foreign intelligence collection program enables the National Security Agency, Central Intelligence Agency, National Counterterrorism Center, and Federal Bureau of Investigation to collect and share intelligence from non-U.S. persons who are located outside the United States for the purpose of protecting U.S. national security.

The debate surrounding the reauthorization of Section 702 is, and has always been, contentious. Since its passage, privacy and civil liberty activists have raised concerns about domestic spying, pointing to the “incidental” collection of U.S. person communications and the FBI’s checkered history of compliance with procedures for querying the Section 702 database. Critics have flagged the FBI’s use of U.S. person identifiers as “back door” searches that circumvent the Fourth Amendment’s warrant requirement. These concerns have given rise to changes to the law in favor of transparency and codified querying practices.

CERL convened a group of high-level subject matter experts from a variety of disciplines and perspectives to consider the path ahead for FISA Section 702. Over the course of this two-day closed-door workshop and public forum, participants engaged with the goal of deescalating the facts and developing a set of actionable recommendations to aid those in Washington, D.C. who need to address these vital issues before it is too late. CERL began the gathering by holding a public panel designed to identify the current state of the debate and help inform intelligence professionals, national security lawyers, political scientists, and interested public servants of the importance of the reauthorization decision facing Congress at the end of 2023.



*From left: Keynote Speakers Mr. George W. Croner, Mr. Glenn S. Gerstell, Ms. Elizabeth Goitein, Ms. Ashley Gorski, Ms. Suzanne Spaulding, and Professor Claire Finkelstein*



*Conference attendees participate in a roundtable discussion*

CO-SPONSORED BY: THE ANNENBERG PUBLIC POLICY CENTER







# The Reauthorization Debate: Charting the Path Ahead for FISA Section 702

October 5 – 6, 2023, Philadelphia

## KEYNOTE

The keynote event featured a fireside chat with **Matthew G. Olsen**, Assistant Attorney General for National Security, U.S. Department of Justice, and **Carlos Felipe Uriarte**, Assistant Attorney General for the Office of Legislative Affairs, U.S. Department of Justice, moderated by CERL's Professor Claire Finkelstein.

A panel entitled "The FISA Section 702 Reauthorization Debate: What's at Stake?" followed with speakers:

**George W. Croner**, Senior Fellow, National Security Program, Foreign Policy Research Institute; formerly Operations Division, Office of General Counsel, NSA; CERL Advisory Council Member

**Glenn S. Gerstell**, Senior Advisor, International Security Program, CSIS; former general counsel of NSA and CSS (2015-2020)

**Elizabeth Goitein**, Senior Director, Liberty & National Security, Brennan Center for Justice

**Ashley Gorski**, Senior Staff Attorney, ACLU's National Security Project

**Suzanne Spaulding**: Senior Adviser for Homeland Security and Director of the Defending Democratic Institutions project, CSIS, as moderator



*Assistant Attorney General Matthew G. Olsen (right) speaks on a panel with Professor Claire Finkelstein and Assistant Attorney General Carlos Uriarte (left)*



*Suzanne Spaulding speaks as part of the FISA reauthorization panel*



# Ethical and Legal Dilemmas of Autonomous Weapons in War and National Security

April 11 – 13, 2024

The expanded use of semi-autonomous weaponry and the fast-paced development of fully autonomous weapons present both an opportunity and an ethical and legal challenge. Autonomous weapons hold promise for enhanced warfighting, the advantages of which are already clear from the benefits presented by semi-autonomous technologies in use in the Ukraine and Israel conflicts. Yet autonomous technologies threaten to revolutionize the nature of warfare in ways scholars of war and policy makers can only begin to predict, with potentially disastrous results if this technology is not deployed in a manner consistent with the laws of war. To date, there are no legal constraints on the development and use of such weapons and little ethical guidance. The only formal U.S. guidance on the use of autonomous weapons systems (AWS) appears in DoD Directive 3000.09, but even that document is open-ended and subject to interpretation.

This conference brought together distinguished scholars and practitioners from the academy, civil society, government service, industry, and the military for a three-day agenda to discuss the ethical and legal dilemmas of autonomous weapons with the aim of identifying a series of ethical principles to apply to autonomous weaponry at many different levels. Over the course of three days, closed workshop sessions considered Lethal Autonomous Weapon Systems (LAWS) generally, including the possible use of LAWS in connection with nuclear weapons launch—a prospect that many regard as particularly dangerous and ill-conceived, and addressed Embodied AWS, namely armed physical mechanisms whose advanced mobility and Artificial Intelligence (AI) can in theory identify and physically engage targets without human intervention—or potentially cause unanticipated harm through accidents arising from their close physical proximity to the general public.



*Conference participants listen to panels on artificial intelligence and autonomous weaponry*

CO-SPONSORED BY: THE ANNENBERG PUBLIC POLICY CENTER, GENERAL ROBOTICS, AUTOMATION, SENSING & PERCEPTION (GRASP) LAB, AND MITRE







# Ethical and Legal Dilemmas of Autonomous Weapons in War and National Security

April 11 – 13, 2024

## KEYNOTE

Preceding the closed-door discussions was a public panel moderated by CERL's **Professor Claire Finkelstein** and **Dr. Craig Wiener** of MITRE addressing questions such as: What are the promises and perils of emerging technology on the battlefield? How can the United States and other actors ensure AI is used responsibly and in compliance with existing normative and legal frameworks? What kinds of ethical principles should guide the development and deployment of AI and autonomous weaponry? The speakers included:

**General James “Hoss” Cartwright**, fmr Commander of U.S. Strategic Command; CERL Executive Board Member

**Ms. Dawn Meyerriecks**, MITRE Senior Visiting Fellow; Former Deputy Director of the CIA for Science and Technology



*From left: Professor Daniel E. Koditschek, Dr. Craig Wiener, Ms. Dawn Meyerriecks, Gen. (ret.) James “Hoss” Cartwright, Professor Claire Finkelstein*



*Conference participants listen to panels on artificial intelligence and autonomous weaponry*



*From left: Dr. Craig Wiener, Ms. Dawn Meyerriecks, Gen. (ret.) James “Hoss” Cartwright*



# High-Level Roundtable Meeting: Minimizing Civilian Harm

May 24, 2024, Philadelphia

CERL, in partnership with Perry World House, convened scholars and practitioners from the academy, civil society, government service, industry, and the military for a one-day agenda to discuss Civilian Harm Mitigation and Response (CHMR). Participants discussed the strategic value of CHMR as a means to enhance the effectiveness of military operations and maintain decision-making freedom for commanders, while minimizing civilian casualties. Participants also examined the extent of civilian harm in contemporary conflicts, reviewed the measures the United States has implemented to mitigate this harm, and discussed the various operational contexts and the challenges the United States has faced in implementing these policies.



*From left: Former CERL Executive Director David Joanson, Mr. Christopher P. Maier, Mr. Dan Stigall, and Gen. (ret.) Joseph Votel*



*Participants discuss Civilian Harm Mitigation and Response in a roundtable meeting*



*From left: Brig. Gen. Matthew Isler, Mr. Dan Stigall, Professor Loren Voss, and Mr. Michael McNerney*

CO-SPONSORED BY: PERRY WORLD HOUSE

## Book Talk

# ***THE FBI WAY: INSIDE THE BUREAU'S CODE OF EXCELLENCE***

By Frank Figliuzzi

**October 26, 2023, Philadelphia**

In a moderated conversation with CERL's fmr Executive Director, David Joanson, the FBI's former Assistant Director of counterintelligence Frank Figliuzzi discussed his book, *The FBI Way: Inside the Bureau's Code of Excellence*.



*Author and former FBI Assistant Director of Counterintelligence, Frank Figliuzzi, with CERL former Executive Director David Joanson*

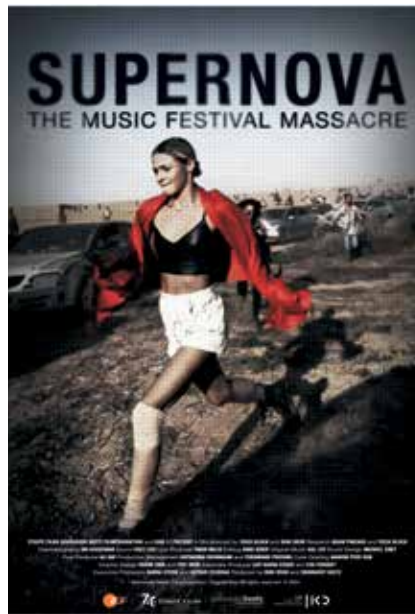




## Film Screening

# ***SUPERNOVA: THE MUSIC FESTIVAL MASSACRE***

**February 22, 2024, Philadelphia**



Together with the Herbert D. Katz Center for Advanced Judaic Studies, Penn Hillel, and Penn's Cinema and Media Studies Department, CERL hosted a screening of *Supernova: The Music Festival Massacre*, followed by a panel discussion and questions and answer session with the film's directors, globally renowned artist Yossi Bloch and internationally acclaimed documentary filmmaker Duki Dror; Professor Peter Decherney, the Edmund J. and Louise W. Kahn Endowed Term Chair in the Humanities at the University of Pennsylvania; and Millet Ben Haim, a survivor of the music festival massacre. CERL's Professor Claire Finkelstein moderated the conversation.



*Supernova music festival survivor Millet Ben Haim speaks about her experiences*



*From left: Film directors Yossi Bloch and Duki Dror, CERL's Professor Claire Finkelstein, Penn Professor Peter Decherney, and Nova survivor Millet Ben Haim*

# CERL'S IMPACT

## FILINGS

### CERL EXECUTIVE BOARD ISSUED STATEMENT CONDEMNING THE ATTACKS BY HAMAS ON ISRAEL

The CERL Executive Board issued a statement on October 13, 2023, in response to the attacks by Hamas on Israel, “call[ing] on the international community to denounce Hamas’ barbarous attacks and to demand the immediate return of all those taken hostage.” Drawing on their expertise in national security and the law of armed conflict, CERL’s Board members reiterated Israel’s right of self-defense and underscored that those defending Hamas’ actions are lending aid to a terrorist organization.

### CERL AND NATIONAL INSTITUTE OF MILITARY JUSTICE FILED AMICUS BRIEF SEEKING REVIEW OF GTMO MILITARY COMMISSION RULING

CERL and the National Institute of Military Justice (NIMJ) filed an amicus brief in the U.S Supreme Court seeking a judicial review of a military commission ruling against Guantánamo Bay detainee Ali Hamza Ahmad Suliman Al-Bahlul. The brief argues that Petitioner Al-Bahlul was given an unfair hearing on his substantive claim due to the fact that presiding Judge Gregory Katsas failed to recuse himself, and urges the Supreme Court to grant Al-Bahlul his request for certiorari.

### CERL FACULTY DIRECTOR AND CENTER AFFILIATES FILED AMICUS BRIEF IN THE U.S. SUPREME COURT CASE *DONALD J. TRUMP V. UNITED STATES OF AMERICA* URGING THE COURT TO REJECT TRUMP’S CLAIM OF PRESIDENTIAL IMMUNITY

Professor Claire Finkelstein and 14 national security experts, including six CERL affiliates, among them two four-star generals, filed an amicus brief in the U.S. Supreme Court rejecting former President Donald Trump’s theory of presidential immunity on the grounds that it will imperil U.S. national security. The brief argues that the claim of permanent immunity to criminal prosecution for crimes committed in official capacity poses a grave threat to democracy.

## STUDENT ENGAGEMENT

### PENTAGON BRIEFING

Professor Claire Finkelstein brought members of CERL and her National Security Law course to the Pentagon in April 2024 for a briefing to the DoD Civilian Harm Mitigation and Response (CHMR) initiative relating to minimizing civilian harm in the face of human shielding, the use of technology to minimize civilian casualties, and increasing intelligence capabilities to further enhance civilian harm mitigation and reduce faulty targeting. This briefing was co-sponsored with CERL.





# CERL'S IMPACT

## 2024 SUMMER INTERNSHIP PROGRAM

The Summer Internship Program provides professional, graduate, and undergraduate level students who are interested in the national security field with an ethics and rule of law foundation to help ground their future perspectives, leadership, and decision-making in the rule of law. Our interns help further CERL's mission through research, writing, and conference planning and gain valuable insights through conversations with national security experts on the critical issues facing our nation today.

This year, 13 students—nine from graduate programs, including Penn Law, and four from undergraduate programs, including Penn Undergrad—participated in the nine-week program. Led by CERL's executive director, David Joanson, and with the generous support of the Annenberg Public Policy Center, Morgan, Lewis & Bockius LLP, the Windover Foundation, and the Cozen O'Connor Foundation, the program comprised a mix of lectures, seminars, research, and off-site excursions. Students benefited from learning opportunities at the United States Military Academy West Point and Philadelphia's own historic sites.

### THE PROJECTS

Interns worked in teams under CERL's leadership on four primary projects pertaining to the Department of Defense's (DOD) Program for Civilian Harm Mitigation and Response Action Plan (CHMR-AP), the ethical and legal dilemmas of A.I. in war and national security, the president's discretion to use emergency powers, and foreign influence and terror funding on university campuses.

### BRIDGE FELLOWS

Professor Claire Finkelstein served as a 2024 faculty member for the inaugural Academic Bridge Fellowship Program, which brought 39 young men and women from Israel to the University of Pennsylvania for a month-long program focused on cultural and scholarly exchange. CERL was pleased to host seven Bridge Fellows as part of the Center's 2024 summer internship. The fellows engaged on CERL's core projects, as well as one on the involvement of journalists in war.



*The '24 summer intern cohort presented their developing work at the United States Military Academy West Point.*

## The 2024 Intern Class



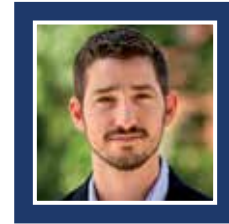
**JACK CHANCE**

*Texas A&M University, Master of International Affairs (graduated)*



**KAYNATH CHOWDHURY**

*University of Pennsylvania Bachelor of Arts*



**SHAI DROMY**

*University of Pennsylvania Carey Law School, Master of Laws*



**NOA FAY**

*Columbia School of International and Public Affairs Master of International Affairs*



**MATT FRITZ**

*Temple University Beasley School of Law Juris Doctor*



**ALEXANDRA HERRERA**

*Yale University Master of the Arts in History*



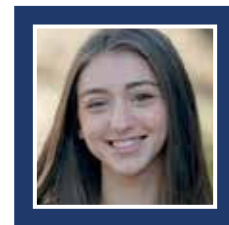
**ANDY KNOX**

*Johns Hopkins School of Advanced International Studies, Master of the Arts in International Studies*



**ZACHARY KOSLOWSKI**

*Georgetown University Law Center Juris Doctor*



**CHRISTINA O'FARRELL**

*University of Pennsylvania Bachelor of Arts*



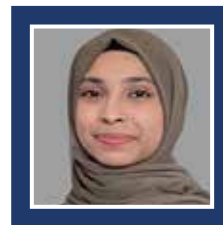
**JESSE RAY SHEPS**

*Yale University Bachelor of Arts*



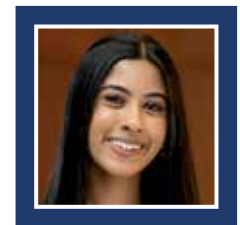
**AARON TSUI**

*University of Pennsylvania Bachelor of Engineering*



**FARDUSI UDDIN**

*Columbia School of International and Public Affairs, Master of International Finance and Economic Policy*



**ANAGHA VASUDEVARAO**

*University of Pennsylvania Carey Law School Juris Doctor*

## WHAT CERL INTERNS HAD TO SAY ABOUT THE SUMMER PROGRAM

“While interning at CERL, I had the opportunity to conduct in-depth research regarding several domestic legal issues that greatly concern the United States’ national security. Further developing my research skills regarding various constitutional and statutory interpretations has only helped solidify my career goals to practice appellate litigation. Also, I feel incredibly fortunate to have bonded with my cohort and CERL staff, making lifelong friends.”

—**Alexandra Herrera, Yale University, Master of the Arts in History**

“During my summer internship, I was amazed by the incredible diversity of people I worked with and learned from. The mentors and guest speakers were outstanding, and the multidisciplinary approach of CERL made the experience truly enriching. I gained invaluable skills, knowledge, and connections that will greatly benefit my future.”

—**Shai Dromy, Penn Carey Law, Master of Laws**

“CERL provided me with the opportunity to engage in important research and investigations aimed at mitigating national security risks for our country. The center connected us with leading experts and high-ranking officials who could best instruct our projects. CERL allowed me to meet and work with some of the most inspired, enthusiastic, and dedicated people, from whom I have learned an enormous amount.”

—**Jesse Ray Sheps, Yale University, Bachelor of Arts**

“I thoroughly enjoyed working with a diverse intern team, researching critical and timely national security issues, and meeting esteemed professionals in the field. I learned an incredible amount throughout the summer, both from my projects’ content and from the people who surrounded me.”

—**Christina O’Farrell, University of Pennsylvania, Bachelor of Arts**





## GUEST SPEAKER SERIES

CERL thanks its guest speakers for their valuable contributions to CERL's 2024 Summer Internship Program.

**Dan Koditschek**, Alfred Fitler Moore Professor, ESE

**Duncan MacIntosh**, Professor of Philosophy, Dalhousie University, CERL Executive Board Member

**Nelson S.T. Thayer**, First Assistant United States Attorney, former International War Crimes prosecutor

**Jami Wintz McKeon**, Chairperson of Morgan, Lewis & Bockius LLP

**Donald K. Sherman**, Senior Vice President and Chief Counsel, Citizens for Responsibility & Ethics in Washington (CREW)

**Kathleen Hall Jamieson**, Elizabeth Ware Packard Professor of Communication and Director of the Annenberg Public Policy Center, The University of Pennsylvania

### Breakfast with the Board

**Jennifer Arbittier Williams**, fmr United States Attorney for the Eastern District of Pennsylvania

**Sean Carter**, Member, Cozen O'Connor

**General (Ret.) Joseph Votel**, U.S. Army, fmr Commander of United States Central Command

**Morton Halperin**, Ph.D., Chairperson of CERL's Executive Board

**James Clapper**, fmr U.S. Director of National Intelligence

**Mark Zaid, Esq.**, Managing Partner, Mark S. Zaid, PC

**General (Ret.) James "Hoss" Cartwright**, U.S. Marine Corps, fmr Vice Chairman of the Joint Chiefs of Staff

**Mr. Stuart Gerson**, fmr Acting Attorney General of the United States



*CERL's interns speak with Sean Carter, member of CERL's Executive Board.*





*CERL's summer interns listen to a featured speaker*



*The 2024 summer internship program watches a presentation*



*From left: Program Mentor Joshua Greenberg with interns Zachary Koslowski, Kaynath Chowdhury, Christina O'Farrell, and Fardusi Uddin*



*From left: Alexandra Herrera, Anagha Vasudevarao, Jack Chance, Matt Fritz, and Fardusi Uddin*



*From left: Jesse Ray Sheps, Zachary Koslowski, Board Member Stuart Gerson, Aaron Tsui, and Andy Knox*



*From left: Matt Fritz, Fardusi Uddin, Anagha Vasudevarao, and former CERL Executive Director David Joanson*



*From left: Alexandra Herrera, Shai Dromy, Noa Fay, Jesse Ray Sheps*



*From left: Kaynath Chowdhury, Alexandra Herrera, Fardusi Uddin, Noa Fay, Christina O'Farrell, and Ramatoulie Jallow*

## INTERN SPOTLIGHT

### NOA FAY



Noa Fay, master's student at Columbia University's School of International and Public Affairs, conducted research on the rise of hate-based radicalization across U.S. college campuses as part of her participation in CERL's 2024 Summer Internship Program. Under the mentorship of Jennifer Arbittier Williams, former United States Attorney for the Eastern District of Pennsylvania and member of CERL's Executive Board, Ms. Fay examined issues around malign foreign interference and foreign terror funding.

Ms. Fay was nominated by Arlene Fickler, counsel to Dilworth Paxson and member of CERL's Executive Board, for the U.S. Supreme Court Robert H. Jackson Award for the Pursuit of Justice, presented by the Louis D. Brandeis Law Society. The award recognized Ms. Fay's extraordinary efforts to fight antisemitism and build community on campus, including through her work at CERL.

In addition to addressing a crowd of nearly 300,000 at the March for Israel in Washington, D.C., Ms. Fay testified before the United Nations about her experience with antisemitism on campus. She also testified before the United States Senate Bipartisan Task Force for Combating Antisemitism and submitted written testimony to the United States Congress. She has been featured on various news outlets, including CNN, NBC, ABC, and on podcasts such as *FT News Briefing* and *Unholy: Two Jews on the News*.

At Columbia University, Ms. Fay concentrates in international security policy and specializes in international conflict resolution as part of the 4+1 accelerated program with Barnard College of Columbia University from which she graduated in May 2024 with a degree in political science. She serves on various school committees dedicated to diffusing campus tensions.

Ms. Fay is the recipient of the American Jewish Committee's Sharon Greene Award for Campus Advocacy and the Anti-Defamation League's Defender of Democracy Award.

She is currently an opinion columnist for *The Jerusalem Post* and continues to engage with CERL on various projects connected with the research she conducted as a summer intern.



From left: John Barrett, Noa Fay, and Arlene Fickler

*"Spending the summer as a research intern at CERL was an incredibly rewarding experience. Not only was I able to learn from and work alongside brilliant scholars and legal experts, but I was also able to gain a number of lifelong friends and mentors as we engaged with salient contemporary issues. The collaborative environment at CERL, combined with CERL's steadfast commitment to the rule of law, challenged the way I think about complex global dilemmas. It was truly an inspiring and transformative summer that consolidated my passion for assuring U.S. national security in a way that promotes the rule of law and ethical governance."*

Noa Fay



*Arlene Fickler presents Noa Fay with the U.S. Supreme Court Robert H. Jackson Award for the Pursuit of Justice, awarded by the Louis D. Brandeis Law Society*



*Noa Fay stands alongside Senator Jacky Rosen (D-NV) and the five other students who testified before the Senate task force*

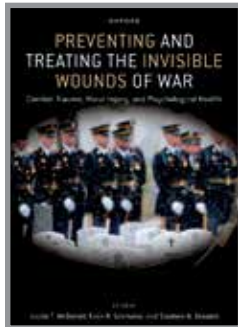
*Noa Fay testifies in Washington, D.C. at the U.S. Senate before their Bipartisan Task Force to Combat Antisemitism on July 25, 2024*



# CERL'S IMPACT

## PUBLICATIONS

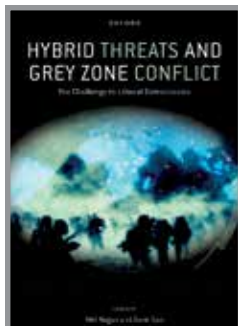
CERL is proud to partner with Oxford University Press in producing its series, Ethics, National Security, and the Rule of Law, which is designed to address abiding questions at the intersection of national security, moral and political philosophy, and practical ethics. Fourteen volumes have been published in this series to date, with more on the horizon. CERL published two in the 2023-2024 academic year.



### PREVENTING AND TREATING THE INVISIBLE WOUNDS OF WAR: COMBAT TRAUMA, MORAL INJURY, AND PSYCHOLOGICAL HEALTH

Justin T. McDaniel, Edited by Evan R. Seamone, and Stephen N. Xenakis  
Oxford University Press, 2023

Over 30 experts contributed to the 15-chapter volume, which considers new psychological costs of war, such as moral injury, from an interdisciplinary perspective and urges policy changes, including that moral injury be considered for the Diagnostic and Statistical Manual of Mental Disorders (DSM) and that it be considered in formulas for Veterans Affairs disability ratings. The contributors assembled to develop their ideas in part at a 2015 CERL conference on the financial, societal, and moral impacts of mental health-related combat injuries.



### HYBRID THREATS AND GREY ZONE CONFLICT: THE CHALLENGE TO LIBERAL DEMOCRACIES

Edited by Mitt Regan and Aurel Sari  
Oxford University Press, 2024

A total of 39 experts contributed to the 28-chapter volume, which considers three main questions. First, what are the strengths and shortcomings of the existing rules and institutions of international law in responding to hybrid threats and grey zone conflicts? Second, what role does the law play as an instrument, domain and object of geopolitical contestation in the contemporary strategic environment? Third, how should liberal democracies respond to the challenges posed by hybrid and grey zone competition in a way that does not undermine the very values they seek to uphold?



### DOMESTIC VIOLENT EXTREMISM IN THE UNITED STATES MILITARY

*Prepared by:*

Dr. Ilya Rudyak, Marcus Ellinas, Joe Dangtran, CPT David Glinbizzi

The events of Jan. 6, 2021, and the recent convictions of former service members for their part in these events brought renewed attention to the question of whether there is a causal link between military service and violent extremist activity. The authors of this briefing paper published by CERL and APPC found no conclusive evidence that service members are more likely than the general public to engage in domestic violent extremism (DVE). Yet even a comparable, or smaller than comparable, rate of participation in DVE among service members is cause for concern, the authors assert. In addition to the pragmatic risk that service members may be more effective in executing violent extremist activity as a result of their combat experience is the broader concern that any act of ideologically motivated violence by current

or former service members could contribute to the perception that the military is willing to tolerate such conduct, threaten the military's political neutrality, and gradually erode the American public's vital trust in the military as an institution.



# CERL'S IMPACT

## BLOG POSTS



CERL's blog, *The Rule of Law Post*, showcases articles written by policy experts, members of the military, lawyers, academics, and CERL fellows and interns who put forth thoughtful analysis, conclusions, and recommendations on current and often urgent ethics and rule of law issues in national security, warfare, and democratic governance.

"Key US Intelligence Tool Set to Expire," by George W. Croner, Sep. 8, 23

"We need Section 702 reauthorization now," by Joseph L. Votel, Dec. 5, 23

"The national security stakes could not be higher as the FISA Section 702 reauthorization debate resumes," by George Croner, Jan. 19, 24

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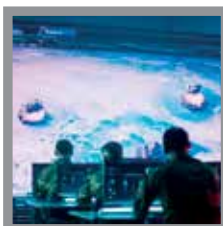
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Executive Board Emeritus James Clapper, [“Why Ukraine’s Surprise Incursion on Russia Should Give Us Hope,”](#) with Jeffrey Sonnenfeld, William Taylor, Barry McCaffrey, and Stephen Henriques, *TIME*, Aug. 11, 2024, Updated: Aug. 12, 2024

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Executive Board Member General (Ret.) Joseph Votel interviewed on and quoted in, [“Military experts suggest Iran may declare itself a nuclear power by year’s end,”](#) by Peter Aitken, *Fox News*, Aug. 18, 2024

Faculty Director Claire Finkelstein interviewed on, [“Trump Subversion Case: Prosecutors Bring New Indictment,”](#) *Al Jazeera*, Aug. 28, 2024

## PUBLICATIONS

Advisory Council Member Mark Fallon, editor, [“Interviewing and Interrogation: A Review of Research and Practice Since World War II,”](#) *Torkel Opsahl Academic EPublisher*, Nov. 3, 2023

Advisory Council Member George Croner, author, [“FISA Section 702’s Challenging Passage to Reauthorization in 2023,”](#) *Journal of National Security Law and Policy*, Nov. 4, 2023

Executive Board Member General (Ret.) Joseph Votel, co-author, [“A Strategy for Countering the Houthi Threat at Sea: Recommendations for President Biden,”](#) *Middle East Institute*, Feb. 5, 2024

[“International Lawyers Network \(ILN\) Data Protection Guide,”](#) ILN Cybersecurity & Data Privacy Group co-chaired by Executive Board Member Stuart Gerson and ILN Technology, Media & Telecom (TMT) Group, Apr. 24, 2024

## EXTERNAL EVENT PLAYBACKS

Video playback, [“The Israel-Hamas war and prospects for a ground invasion,”](#) featuring Executive Board Member General (Ret.) Joseph Votel, *Middle East Institute*, Oct. 25, 2023

Video playback, [“Beyond the SCIF: Rep. Brian Fitzpatrick Moderates FISA Section 702 Panel at Holy Family University,”](#) featuring Faculty Director Claire Finkelstein and Advisory Council Member George Croner, *GOP House Intelligence Committee*, Dec. 4, 2023

Video playback, “[US Military Action in the Middle East](#),” featuring Executive Board Member General (Ret.) Joseph Votel, *Middle East Institute*, Feb. 1, 2024

Video playback, “[Resilience On Campus: The Jewish Experience After October 7 | NLS – March 5, 2024](#),” Anti-Defamation League, Mar. 5, 2024

Video playback, “[Legal Outlook: U.S. Department of Homeland Security Addressing Threats and Leveraging Opportunities with Jonathan Meyer](#),” featuring Executive Board Member Harvey Rishikof, American Bar Association, May 29, 2024

## FILINGS, STATEMENTS, & OTHER ENGAGEMENT

Office of the Special Counsel Filing cites Faculty Director Claire Finkelstein in “[Government’s Response in Opposition to Defendant’s Motion to Dismiss on Presidential Immunity Grounds](#),” *United States of America v. Donald J. Trump*, Oct. 19, 2023

[Open Letter](#) of Constitutional Law Experts, incl. Affiliated Faculty Kermit Roosevelt, on the Impeachment Proceedings to Speaker Mike Johnson and Chairman Mark Green Against Secretary of Homeland Security Alejandro Mayorkas, Jan. 10, 2024

*Donald J. Trump v. Norma Anderson, et al.* [Brief amici curiae](#) of J. Michael Luttig, Peter Keisler, Larry Thompson, Stuart Gerson, Donald Ayer, et al., Jan. 29, 2024

*Donald J. Trump v. Norma Anderson, et al.* [Brief amicus curiae](#) of Professor Kermit Roosevelt, Jan. 30, 2024

*United States of America v. Donald J. Trump.* [Brief amici curiae](#) of former officials in five Republican administrations, et al, including Executive Board Member Stuart Gerson. Dec. 12, 2023

Speaking engagement by Advisory Council Member Mark Fallon, “[True Lies: Guilt, Innocence and Advancements in Interrogation Research and Practice](#),” Innocence Project and the National Council of Juvenile and Family Court Judges (NCJFCJ), Mar. 20, 2024

Advisory Council Member Mark Fallon testified before the Minnesota state legislature in support of a bill (HR 2319/ SF 2495) banning police deception, Mar. 20, 2024. [Recording](#).

CERL Advisory Council Member Mark Fallon appeared on ABC docuseries, “[The Interrogation Tapes](#),” April 1, 2024.

*United States of America v. Donald J. Trump, et al.* Motion for leave to file [brief amici curiae](#) of Constitutional Lawyers, Former Government Officials, and State Democracy Defenders Action, including Executive Board Member Stuart Gerson, Apr. 3, 2024.

*Donald J. Trump v. United States of America.* [Brief amici curiae](#) of John Danforth, J. Michael Luttig, Barbara Comstock, Carter Phillips, Peter Keisler, Larry Thompson, Stuart Gerson, et al. Apr. 9, 2024

*Donald J. Trump v. United States of America.* [Brief amici curiae](#) of Claire Finkelstein and Fourteen National Security Professionals. Apr. 8, 2024

*Ali Hamza Al Bahlul v. United States,* [Brief amici curiae](#) of Center for Ethics and the Rule of Law (CERL) at the University of Pennsylvania and the National Institute of Military Justice. May 2, 2024.

Executive Board Member Mark Zaid testified on a Subcommittee on Counterterrorism, Law Enforcement, and Intelligence hearing entitled, “[Silent Weapons: Examining Foreign Anomalous Health Incidents Targeting Americans in the Homeland](#),” *Homeland Security Committee | Republican*, May 8, 2024



## 2024-2025 Event Calendar

### CONFERENCE – OCTOBER 9-10, 2024

Tabletop Exercise Addressing the 2024 Presidential Election

### CONFERENCE – SEPTEMBER 18-19, 2024

Tabletop Exercise Addressing the 2024 Presidential Election

### BOOK TALK - MARCH 26, 2025

*National Security, Journalism, and Law in an Age of Information Warfare*

Edited by Marc Ambinder, Jennifer R. Henrichsen, and Connie Rosati

### PANEL - APRIL 2, 2025

Proposals, Prospects, and Implications of the Final Report by the Presidential Commission on the Supreme Court of the United States

### CONFERENCE - APRIL 11, 2025

Symposium on Threats to the Rule of Law and National Security

### PANEL - APRIL 14, 2025

The Trump Administration, the Rule of Law, and the Future of Business



*"The Promises and Perils of Artificial Intelligence and Autonomous Weaponry," April 11, 2024*

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Center for Ethics  
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UNIVERSITY of PENNSYLVANIA

202 S. 36th St.

Philadelphia, Pennsylvania, 19104

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