

CERL ANNUAL REPORT

2024 // 2025



Center for Ethics
and the Rule of Law
UNIVERSITY of PENNSYLVANIA



OURMISSION

The Center for Ethics and the Rule of Law (CERL) is a non-partisan, interdisciplinary institute at the University of Pennsylvania 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.

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COVER IMAGE

General Joseph Votel, member of CERL's Executive Board, participates in CERL tabletop exercise assessing the risk of civil unrest surrounding the 2024 presidential election

THANK YOU

With special thanks to Fotobuddy Photography, Natalie Serwan Photography, and Rosie Simmons for photographing our programs and events this year, and to Imogen Design for designing this report.

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Letter from the Faculty Director

Dear Friends,

CERL's work has taken on an urgency and importance that we never imagined when the Center for Ethics and the Rule of Law began in 2012. In the early years, we focused our efforts mostly on ethical dilemmas connected with new military technologies. We expanded our portfolio in 2016 to include democratic governance. And today we see the fight to defend and preserve the rule of law as the most critical front in the effort to promote democratic values, both at home and abroad.

For this reason, CERL is embarking on a new litigation and policy initiative that will enable the Center to impact current events more effectively. In November of 2025, CERL filed an amicus brief in the U.S. Supreme Court on behalf of 155 members of Congress in the case of *Trump v. Illinois*, supporting Illinois' position that the federalization and deployment of the Illinois and Texas National Guard is unconstitutional. Last August, CERL filed an amicus brief in the case *Newsom v. Trump* in support of Governor Gavin Newsom and the State of California, in partnership with the National Institute of Military Justice and Lawyers Defending American Democracy. This litigation has for the moment halted the deployment of the National Guard to Los Angeles.

These two briefs followed many months of work on the issue of National Guard deployments. In the fall of 2024, CERL conducted two tabletop exercises to assess the risk of civil unrest surrounding the 2024 presidential election. More than three dozen high-ranking military, national security, and election experts as well as current and past officials in state and local government and civil society leaders gathered on two occasions to simulate scenarios relating to the certification of the election and inauguration-related threats to the peaceful transition of power.

CERL then partnered with the Brennan Center in January of 2025 to host a roundtable discussion on domestic military deployments to aid civilian law enforcement. The off-the-record session engaged roughly 50 academics, practitioners, retired military, and national security professionals.

The Center addressed many of these same issues and others in a widely attended public symposium on threats to the rule of law and national security in April 2025, featuring members of CERL's Affiliated Faculty, Executive Board, and Advisory Council.

CERL also celebrated the publication of its latest volume with Oxford University Press, *National Security, Journalism, and Law in an Age of Information Warfare*, and was proud to co-sponsor programs with the New York State Bar Association and the Wharton School on the applications of international law to nuclear weapons and the future of business under the Trump administration, respectively.



CERL released two briefing papers, one arguing that the Civilian Harm Mitigation and Response Action Plan (CHMR-AP) and its associated Center for Excellence (CP CoE) are critical for refining U.S. targeting operations and the other forecasting the legal and operational risks of deploying the National Guard to U.S. cities.

CERL continued its important work in student mentorship and professional development. The 2025 Summer Internship Program saw the largest internship class in CERL's history to date, with 22 students from diverse disciplines and institutions. Interns from as many as five countries joined us from undergraduate, law, and graduate programs in several different fields.

During the summer, CERL transitioned from the Annenberg Public Policy Center (APPC) to Penn Carey Law and Penn Global, and our offices moved to the Franklin Annex at the intersection of Walnut and 36th streets. We are deeply grateful for the several years we spent at APPC and intend to continue our important joint work with APPC on Guantánamo Bay and in other areas. We are grateful to Provost John Jackson and Dean Sophia Lee for enabling CERL to further its impact in our new location and under its new institutional structure.

The 2024-25 academic year also brought important new leadership to CERL, as the Center welcomed its new executive director, Dr. Marcos Soler. Formerly the Deputy Secretary for Public Safety for Governor Kathy Hochul of New York, and with an academic background in philosophy and in social science, Dr. Soler brings the right mix of academic expertise and operational insight to CERL and is already helping the Center achieve new heights.

CERL also welcomed Ms. M. Tay Aspinwall to our Executive Board; Professor Abraham Wyner to our Affiliated Faculty; General John Altenburg, Professor Orde Kittrie, Professor Mitt Regan, and Professor Franklin Rosenblatt to our Advisory Council; Ms. Rachel Baron, Professor Brenner Fissell, Professor Łukasz Kamiński, and Mr. Theo Prawiradirdja as fellows; and Ms. Alexandra Herrera as staff writer.

As always, we remain indebted to our institutional partners, to our donors and members of our Executive Board, and to CERL's friends and affiliates, without whom we could not meet the challenges inherent in the work of protecting and preserving the rule of law in national security and democratic governance.

Sincerely,



Claire Finkelstein

Faculty Director

Letter from the Chair of the Board

Dear Friends,

Democratic norms and institutions around the world are under growing pressure. The United States has seen attempts to undermine the peaceful transition of power and weaken the checks and balances on the executive branch. Attacks on the judiciary and independent media, as well as campaigns of retribution against individuals and institutions perceived as being political opponents, have become all too common. If these trends continue, the United States could start to resemble other backsliding democracies like Hungary, Poland, and Turkey.

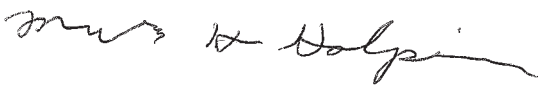
Defending ethics and the rule of law is of more importance today than ever before, and I am proud to chair the board of an organization that is fiercely committed to this mission. Since its founding over a decade ago, CERL has deepened expert and public awareness of critical ethics and rule of law issues through a nonpartisan and interdisciplinary lens. This past academic year, the Center hosted timely tabletop exercises designed to anticipate possible crisis points in the run-up to the 2024 presidential election and inauguration. CERL also hosted critical conversations around the deployment of the National Guard to American cities, the ethical and legal challenges facing national security reporters, and threats to U.S. national security.

I remain impressed and inspired by CERL's commitment to producing high-quality events and publications, as well as engaging a broad range of experts across diverse disciplines and geographies to tackle issues of critical public importance. CERL consistently contributes thoughtful, interdisciplinary scholarship on issues of increasing complexity, and this year was no exception.

I am delighted to report that M. Taylor Aspinwall joined CERL's growing Executive Board this past academic year. Having retired in 2018 from the U.S. Attorney's Office for the Eastern District of Pennsylvania after 27 years as an Assistant U.S. Attorney in the Criminal Division, she brings significant expertise in the legal field and shares in the Center's commitment to rule of law values.

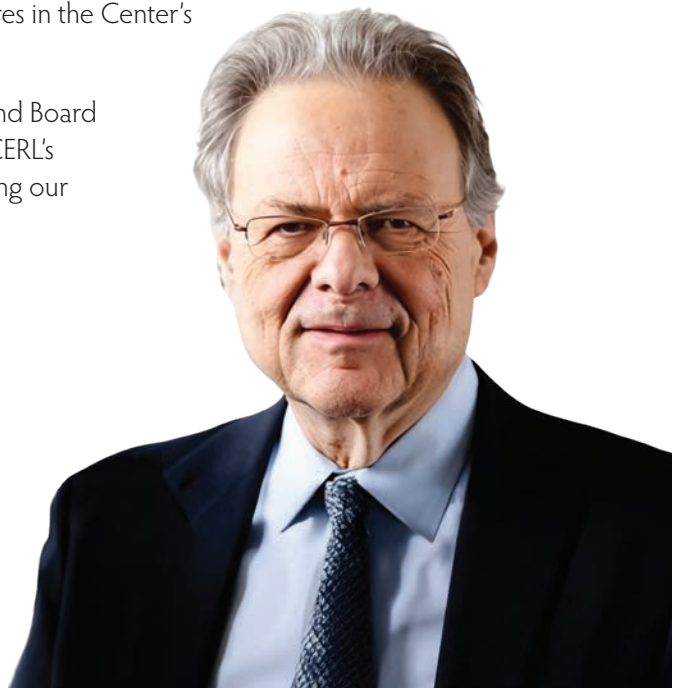
As always, I wish to thank CERL's sponsors, intellectual partners, and Board members for their exceptional contributions and dedication to CERL's mission. We look forward to broadening our reach and deepening our impact in the year ahead.

Sincerely,



Morton H. Halperin

Chair
Executive Board



About Us

Center for Ethics and the Rule of Law (CERL)

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 legal values and norms that play a critical role in the preservation of our country's democratic principles and institutions.

Members of CERL's Executive Board at their Spring 2025 biannual meeting (below).

Top row from left to right: Mr. Mark Zaid, Mr. Stuart Gerson, Associate Dean Kevin Govern, Mr. Sean Carter, Brigadier General (Ret.) Stephen Xenakis, MD, Mr. Jules Zacher, Ms. Jennifer Arbittier Williams, and Mr. Alberto Mora. Bottom row from left to right: General (Ret.) James Cartwright, Professor Claire Finkelstein, and Mr. Gary Deutsch



2024-2025

Year at a Glance

1

Amicus brief filed in the case *Newsom v. Trump*, supporting claims by Governor Gavin Newsom and the State of California that President Donald Trump exceeded his authority in federalizing the National Guard to suppress protests in Los Angeles

6

Publications, among them an edited volume in CERL's *Ethics, National Security, and the Rule of Law* series with Oxford University Press

40+

Law, graduate, and undergraduate students involved in CERL training programs designed to equip the next generation of national security leaders with a strong foundation in ethics and the rule of law

40+

Op-eds authored by CERL affiliates for over 15 outlets, including *Lawfare*, *The Hill*, and *The Washington Post*

65

Affiliates involved in CERL's Executive Board, Affiliated Faculty, and Advisory Council

80+

Experts convened for closed-door discussions, including two former Congressmen, 10 senior retired military officials, and individuals from over 40 unique institutions, including universities, think tanks, policy groups, and public and private sector organizations

160+

Media mentions and appearances by CERL affiliates in over 90 outlets, including the BBC, NPR, and *The New York Times*

250+

Individuals registered to attend public symposia and panels on Penn's campus and in downtown Philadelphia, with over 450 views of the event recordings online

5,500+

Web views of blog posts on CERL's *The Rule of Law Post*, a blog covering ethics and rule of law issues in national security, warfare, and democratic governance

A series of white, curved, parallel lines that sweep from the top left towards the bottom right, creating a sense of motion and depth.

News and Updates

Welcoming CERL's New Affiliates, Fellows & Staff

AFFILIATES

CERL is delighted to welcome six new affiliates, each of whom brings significant expertise and shares in the Center's commitment to rule of law values.

EXECUTIVE BOARD



M. Taylor Aspinwall retired in 2018 from the U.S. Attorney's Office for the Eastern District of Pennsylvania after 27 years as an Assistant U.S. Attorney in the Criminal Division. As Deputy Chief of the Criminal Division, she supervised investigations and prosecutions in the areas of fraud, cyber, intellectual property, immigration, child exploitation, human trafficking, tax, and national security, including counterterrorism and export control prosecutions. She also served as the Immigration Coordinator and as the Anti-Terrorism Advisory Council Coordinator. Ms. Aspinwall taught overseas to prosecutors in Bulgaria and at Temple University in Tokyo and Beijing. After graduating from Temple Law School in 1977, she worked for Community Legal Services; the United States Department of Justice, Civil Rights Division; the Pennsylvania Disciplinary Counsel's Office; and the Philadelphia District Attorney's Office.

AFFILIATED FACULTY



Abraham Wyner is Professor of Statistics in the Wharton School. He is an expert at probability models, statistics, and machine learning, and has developed ground-breaking theories and applications in algorithms and applications. His principle focus at Wharton has been research in applied probability, information theory, and statistical and machine learning. Professor Wyner has participated in numerous consulting projects in various businesses, including as one of the earliest consultants for TiVo, Inc., where he helped to develop early personalization software. Dr. Wyner is the faculty director of the Wharton Sports Analytics and Business Initiative, as well as the co-host and co-creator of the Wharton Moneyball radio show on Sirius XM and founder of the Wharton Moneyball Academies.

ADVISORY COUNCIL



John Altenburg Jr., Major General (Ret.), is Of Counsel at Greenberg Traurig, where he focuses on corporate governance and sensitive, internal investigations in the defense, homeland security sector, and the multilateral development bank sector. During his 28 years as a lawyer in the Army, he represented the Army before Congress, state, and local governments, and in court in the United States and Germany. He also advised, counseled, and negotiated at all levels within the Army, the Department of Defense, and the Department of Justice on matters of importance to the defense community, members of Congress, and the media.



Orde Kittrie is a law professor at Arizona State University's Sandra Day O'Connor College of Law and a senior fellow at the Foundation for Defense of Democracies. Professor Kittrie is the author of *Lawfare: Law as a Weapon of War* (Oxford University Press), which describes how and why law has become an increasingly powerful and prevalent weapon of war. Prior to entering academia, Professor Kittrie served for 11 years at the Department of State, where he received the Superior Honor Award and Meritorious Honor Award. As the department's lead nuclear affairs attorney, he participated in successfully negotiating five U.S.-Russia nuclear agreements during 15 trips to Moscow.



Mitt Regan is McDevitt Professor of Jurisprudence at Georgetown Law Center, where he serves as Director of the Center on Ethics and the Legal Profession, Coordinator of the Project on Law, Ethics, and International Security, and as a Faculty Advisor to the Institute for Technology Law and Policy. He also is a Senior Fellow at the Stockdale Center for Ethical Leadership at the U.S. Naval Academy. He the author of *Drone Strike: Analyzing the Impacts of Targeted Killing* (Palgrave Macmillan 2022) and co-editor of *Hybrid Threats and Grey Zone Conflict: The Challenge to Liberal Democracies* (Oxford University Press 2024); *Between Crime and War: Hybrid Legal Frameworks for Asymmetric Conflict* (Oxford University Press 2023); and *National Security Intelligence and Ethics* (Routledge 2021).



Franklin Rosenblatt is an associate professor at Mississippi College School of Law, where he teaches courses in and researches constitutional law, evidence, international criminal law, and military law. Before becoming a full-time law professor, Professor Rosenblatt first-chaired litigation in federal and state courts at Butler Snow, LLP, in Ridgeland, Mississippi. Before that he served in the U.S. Army JAG Corps as a prosecutor, legal advisor, and defense counsel, including as lead military defense counsel for Sergeant Bowe Bergdahl in the most publicized court-martial in American history. A recognized expert in military justice, Professor Rosenblatt serves as the President of the National Institute of Military Justice.

FELLOWS & STAFF

CERL is also thrilled to welcome four new fellows and one new staff member.

FELLOWS



Rachel Baron is the CERL-NIMJ 2025-2026 Postdoctoral Litigation and Policy Fellow. Prior to joining CERL, Rachel clerked for the Hon. Brenda K. Sannes of the United States District Court for the Northern District of New York. Before that, she was a Legal Fellow and then Counsel for the organization American Oversight, practicing open records litigation. Rachel received her B.A. from Bowdoin College in 2017 and her J.D. from New York University School of Law in 2021, where she served as the Senior Articles Editor of the *N.Y.U. Journal of Legislation & Public Policy*.



Brenner Fissell is a distinguished senior fellow at CERL. He is professor of law (with tenure) at Villanova Law. Professor Fissell first entered the legal academy in 2018 from the U.S. Department of Defense, where he was appellate defense counsel at the Guantánamo Bay Military Commissions. In this capacity, he served as a consultant on legal strategy and appellate issues to the defense teams representing detainees charged with war crimes. Prior to that, he served as a law clerk to Chief Judge Scott Stucky of the U.S. Court of Appeals for the Armed Forces—the nation's highest military court. He is Vice-President of the National Institute for Military Justice.



Łukasz Kamiński is a 2025-2026 Fulbright Visiting Scholar at CERL, undertaking a research project titled *Shifting Battlespaces: Navigating the Cognitive Frontiers of War in the 21st Century*. He is a Professor of Security Studies at the Faculty of International and Political Studies at the Jagiellonian University in Kraków, Poland. His research focuses on new and emerging military technologies and the changing character of war, with particular emphasis on the military applications of biotechnology for human enhancement. He is the author of a widely acclaimed book, *Shooting Up: A Short History of Drugs and War* (Hurst, UK; Oxford University Press US, 2016-2017).



Theo Prawiradirdja is a junior fellow at CERL. He is a graduate of the Master of Laws (LL.M.) program at the University of Pennsylvania Carey Law School, where he served as Head Treasurer of the Penn Anti-Corruption Law & Compliance Association. He is a licensed attorney in Indonesia and formerly practiced at Hendra Soenardi Law Firm, where he worked on complex civil, criminal, and corporate matters. His experience includes litigation, regulatory compliance, and transactional advisory. He holds a Bachelor of Law from Parahyangan Catholic University, where he was named Most Outstanding Student and represented Indonesia in international moot court competitions.

STAFF



Alexandra Herrera is a staff writer at CERL. She received a Master of Arts in History from Yale University's Graduate School of Arts and Sciences. She participated in CERL's 2024 summer internship program and before that researched ethics, rule of law, and accountability on behalf of a former U.S. Ambassador at the Brookings Institution in the Governance Studies program. She holds an A.B. from Brown University.



People

People

Executive Board

The Executive Board, Affiliated Faculty, Advisory Council, and CERL staff and fellows pages are current and do not necessarily represent the membership and staffing of the 2024-25 academic year.



Morton Halperin
CERL Board Chair



M. Tay Aspinwall
Former Assistant U.S. Attorney, Criminal Division; U.S. Attorney's Office for the Eastern District of Pennsylvania



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

*Former General Counsel,
U.S. Department of the Navy*



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

*Former U.S. Attorney for the Eastern
District of PA; Partner, Freeh Sporkin
& Sullivan LLP*



Stephen Xenakis, M.D.

*Brigadier General (Ret.), U.S. Army;
Adjunct Professor, Uniformed Services
University of Health Sciences*



Jules Zacher

*Attorney, Jules Zacher, P.C.; Board Chair,
Council for a Livable World; Director,
Lawyers Committee on Nuclear Policy*



Mark Zaid

Managing Partner, Mark S. Zaid, PC



Dell Dailey

EMERITUS

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



Elizabeth Rindskopf Parker

EMERITA

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

People

Affiliated Faculty



Claire Finkelstein

CERL Faculty Director; Algernon Biddle 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

Distinguished Adjunct Professor of Law and Global Leadership, University of Pennsylvania Carey Law School



William Ewald

John J. O'Brien Professor of Comparative and International Law and Professor of Philosophy, University of Pennsylvania



Eric Feldman

Professor of Law and 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

Herbert F. Goodrich Professor of Criminal Law and Professor of Philosophy, University of Pennsylvania



Daniel Koditschek

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



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



Abraham Wyner

Professor of Statistics and Data Science, The Wharton School, University of Pennsylvania



Anita Allen

EMERITA

Henry R. Silberman Professor of Law and Professor of Philosophy, Emeritus, University of Pennsylvania



Stuart Diamond

EMERITUS

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



Jonathan Moreno

EMERITUS

David and Lyn Silfen University Professor, Emeritus, University of Pennsylvania



Rogers Smith

EMERITUS

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

People

Advisory Council



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Major General (Ret.), U.S. Army; Of Counsel, Greenberg Traurig



Mark Aronchick

Shareholder, Hangley Aronchick Segal Pudlin & Schiller



Geoffrey Corn

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



George Croner

Senior Fellow, Foreign Policy Research Institute; Member, National Security Leaders for America



Mark Fallon

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



Benjamin Farley

Special Counsel, National Immigration Law Center



Robert Fuller, Jr.

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



Derek Gillman

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



David Jonas

LtCol, USMC (Ret.); Partner, Fluett PLLC



Orde Kittrie

Law Professor, Arizona State University; Senior Fellow, Foundation for Defense of Democracies



Vijay Kumar

Nemirovsky Family Dean of Penn Engineering, University of Pennsylvania



Martin Lederman

Professor from Practice, Georgetown University Law Center



Sharon Lloyd

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Jeff McMahan

*Emeritus Sekyra and White's Professor of
Moral Philosophy, University of Oxford*



Mary Ellen O'Connell

*Robert and Marion Short Professor of
Law and Professor of International Peace
Studies, Kroc Institute, University of
Notre Dame*



Mitt Regan

*McDevitt Professor of Jurisprudence,
Georgetown Law Center*



Franklin Rosenblatt

*Associate Professor, Mississippi College
School of Law; President, National
Institute of Military Justice*



Stephen Sheller

Founding Partner, Sheller, P.C.

People

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Claire Finkelstein

Faculty Director



Marcos Soler

Executive Director



Jennifer Cohen

Director of Engagement



Alexandra Herrera

Staff Writer

Fellows



Rachel Baron

*CERL-NIMJ Litigation and Policy
Postdoctoral Fellow*



Brenner Fissell

Distinguished Senior Fellow



Joshua Greenberg

Nonresident Fellow



Łukasz Kamieński

2025-26 Fulbright Visiting Scholar



Theo Prawiradirdja

Junior Fellow



Ilya Rudyak

Nonresident Senior Fellow



Events and Symposia

Events and Symposia

Tabletop Exercises

Anticipating Crisis, Protecting Democracy

➤ September 18-19, 2024 • National Constitution Center, Philadelphia, PA

➤ October 9-10, 2024 • Museum of the American Revolution, Philadelphia, PA



More than three dozen high-ranking military, national security, and election experts as well as current and past officials in state and local government and civil society leaders gathered on two occasions to simulate CERL-designed scenarios relating to the certification of the 2024 presidential election and inauguration-related threats to the peaceful transition of power.

Part I

The first exercise simulated voter fraud allegations in Lancaster County, PA sparking unrest that forced officials to close polls and delay Pennsylvania's election certification. The goal was to expose vulnerabilities in election administration and develop strategies to counter disinformation and domestic extremism.

Part II

The second exercise simulated a newly elected President issuing illegal orders to the Pennsylvania National Guard to suppress protests. It aimed to identify weaknesses in the military chain of command and develop strategies to ensure that military responses to illegal orders align with democratic values.

Key Takeaways

Experts stressed in an after-action report published by CERL that leaders must be prepared to intervene vigorously in the face of threats to the rule of law as well as attempts to disrupt the certification of election results. In the face of an emergency, vulnerabilities may arise from unresolved points of law at a state and federal level that are unlikely to be resolved by the courts in time.

CERL is grateful to the Constitutional Democracy Project for its generous support of these events.



From left: Faculty Director Claire Finkelstein and General (Ret.) Joseph Votel, member of CERL's Executive Board, after General Votel's keynote address to participants of the September exercise

“

“It is critical to be particularly vigilant with regard to threats to the rule of law during moments of transition in a democracy, such as elections and the first days of a new administration. It is also critical to ensure that attempts to quell unrest, which could involve deployment of the U.S. military, adhere strictly to the law, which sharply limits use of the military for domestic law enforcement purposes. Our exercise helped identify the legal boundaries of deployment of the military with regard to election security.”

**Professor
Claire Finkelstein**
Faculty Director of CERL



“

“Being aware of the potential for violence and damage to the institutions we rely upon is important, but it is insufficient in the face of legislative acts that are open to broad interpretation, strong political rhetoric that dominates the public information space, and imperfect individuals acting in accordance with their oaths.”

**General (Ret.)
Joseph Votel**
Member of CERL's
Executive Board

Events and Symposia

Tabletop Exercises



Top: CERL Executive Board Member Jules Zacher in discussion with Professor Mary McCord, Executive Director of the Institute for Constitutional Advocacy and Protection and a Visiting Professor of Law at Georgetown University Law Center, during a breakout session; Middle from left to right: CERL Board Members Mr. Alberto Mora and Ms. Jennifer Arbittier Williams participate in roleplaying exercise as part of the September event; From left: Brigadier General Stephen Xenakis, MD, member of CERL's Executive Board, and Professor Laurie Blank, Clinical Professor of Law at Emory University School of Law, discuss strategy at September exercise; Mr. Brian Abernathy, Principal at Pelham Advisors, participates in the September 2024 exercise; Bottom: Participants engage in first tabletop session

Professor Kate Shaw of Penn Carey Law addresses participants of the October tabletop exercise at the Museum of the American Revolution in Philadelphia, PA



Events and Symposia

Tabletop Exercises



Top left: Ms. Kelsey Wirth, Co-Founder and Chair of Mothers Out Front, delivers a speech to participants of the October event; Middle from left to right, former Congressman Mickey Edwards (R-OK) participates in October tabletop exercise; Professor Shawn Turner, member of CERL's Executive Board, addresses October participants; Professor Brenner Fissell, Distinguished Senior Fellow at CERL, strategizes at the October event while reading a memo; Bottom from left to right, Mr. Jason Van Tatenhove, a journalist and former spokesperson for the Oath Keepers, discusses his experience working with the far-right militia group in a speech kicking off the October exercise; Mr. Stuart Gerson, member of CERL's Executive Board



CERL-Brennan Roundtable

Domestic Military Deployments to Assist or Participate in Civilian Law Enforcement

📅 January 15, 2025 • Washington, D.C.



CERL and the Brennan Center for Justice jointly convened a workshop-style conference to explore challenges to the rule of law associated with the deployment of the U.S. military in the context of civilian law authority, presidential emergency powers, and the Insurrection Act.

The possibility of increased military use for civilian law enforcement purposes raises serious legal, policy, and operational questions that both organizations saw as critical to addressing in advance of the transition to the new administration. CERL and Brennan convened roughly 50 academics, practitioners, retired military, and national security professionals with substantial legal and policy expertise to address these concerns through an interdisciplinary, practice-oriented, off-the-record dialogue. Assessing and anticipating potentially unlawful, unethical, or politically problematic uses of military aid to civilian authorities was deemed essential to the maintenance of the rule of law and to U.S. national security.

Key questions addressed:

- How much authority does a president have to deploy the federal military or a state's National Guard through federalization in a civilian law enforcement setting?
- What are the limitations, if any, on using the U.S. military to ensure border security and to deport non-citizens?
- How should military personnel throughout the chain of command respond to orders they believe to be of questionable legality?
- What are the essential unanswered legal questions regarding military aid to civilian authorities, particularly concerning immigration and law enforcement duties?

Events and Symposia

National Security and Journalism in a World of Alternative Facts

➤ March 26, 2025 • The Annenberg Public Policy Center, Philadelphia, PA



National security journalists today face extraordinary challenges. Safeguarding responsible media practices in sensitive areas having to do with war, intelligence exploitation, international relations, epidemiological threats, advanced technologies, and more while exercising robust freedom of the press has always proved difficult.

Covering these topics in the face of expansive presidential authority renders the challenges more difficult and the stakes higher than ever. Journalism in the national security arena is made all the more complicated by the acceleration of misinformation and disinformation, along with an extreme polarization in U.S. politics and a politicization of the news cycle that makes objective reporting frequently unrewarding. CERL hosted an expert panel addressing the complex ethical and legal landscape of national security reporting, including key takeaways from the latest volume in CERL's Oxford University Press series, *National Security, Journalism, and Law in an Age of Information Warfare*.

Panelists

David Boardman, Dean of the Klein College of Media and Communication at Temple University in Philadelphia

Katherine Eban, investigative journalist; *Vanity Fair* special correspondent; best-selling author; and Andrew Carnegie fellow

Frank Figliuzzi, former Assistant Director for Counterintelligence at the FBI

Jennifer Henrichsen, Assistant Professor at the Edward R. Murrow College of Communication at Washington State University

Josh Gerstein, POLITICO's Senior Legal Affairs Reporter

Claire Finkelstein, Algernon Biddle Professor of Law and Professor of Philosophy and CERL Faculty Director, University of Pennsylvania, as moderator

This program was approved for a total of 1.5 Ethics CLE credits for Pennsylvania lawyers



Clockwise from top: Panelists address public audience at the Annenberg Public Policy Center of the University of Pennsylvania; From left: Mr. Josh Gerstein and Mr. Frank Figliuzzi; From left: Professor Claire Finkelstein, Professor Jennifer Henrichsen, Mr. Josh Gerstein, Mr. Frank Figliuzzi, Ms. Katherine Eban, and Dean David Boardman; From left: Professor Claire Finkelstein, Professor Jennifer Henrichsen, Mr. Josh Gerstein, Mr. Frank Figliuzzi

Symposium

Threats to the Rule of Law and National Security

➤ Friday, April 11, 2025 • The Union League of Philadelphia, Philadelphia, PA



Leading national security and legal experts addressed the ongoing attacks on the judiciary, the domestic deployment of U.S. troops, AI capabilities in the military, and malign foreign influence campaigns, among other topics, at a one-day public symposium organized by CERL.

The series of panels, featuring members of CERL's Affiliated Faculty, Executive Board, and Advisory Council, covered a range of challenges to democratic governance and national security law in today's political and technological landscape.

This program was approved for a total of 4.0 Ethics CLE credits for Pennsylvania lawyers.

Agenda

PANEL I: Threats to the Rule of Law: Partisan Attacks on the Legal Profession

► **SPEAKERS:** Mr. Gary Deutsch, Mr. Stuart Gerson, Mr. Mark Zaid ► **MODERATOR:** Prof. Mitchell Berman

PANEL II: Presidential Authority, Emergency Powers, and Military Operations in a Changing Political Landscape: From Foreign Wars to the Southern Border

► **SPEAKERS:** Maj. Gen. (Ret.) John Altenburg Jr., Dean Kevin Govern, Mr. Alberto Mora, Dr. Marcos Soler, Brig. Gen. (Ret.) Stephen Xenakis, MD ► **MODERATOR:** Prof. Claire Finkelstein

PANEL III: National Security and Advanced Technologies: AI, Robotics, and the Security of Our Nuclear Arsenals

► **SPEAKERS:** Gen. (Ret.) James Cartwright, Mr. Benjamin Farley, Mr. Jules Zacher ► **MODERATOR:** Prof. Daniel Koditschek

PANEL IV: Countering Malign Foreign Interference in U.S. Democracy: U.S. Intelligence Operations Past, Present, and Future

► **SPEAKERS:** Mr. Sean Carter, Mr. George Croner, Mr. Robert Kelner ► **MODERATOR:** Ms. Jennifer Arbittier Williams



"The rule of law in the United States is under greater strain than at any time in the history of the country since the civil war. In this symposium, we brought together CERL's experts and affiliates in national security, the U.S. military, the legal profession, government ethics, and advanced technologies to discuss these various challenges to democratic governance, and to consider what can be done from a nonpartisan standpoint to uphold rule of law values."

Professor Claire Finkelstein, faculty director of CERL



Clockwise from bottom left: Mr. Stuart Gerson, former acting United States Attorney General, participates on a panel; Mr. Sean Carter, member of Cozen O'Connor, participates in a panel; CERL Faculty Director Claire Finkelstein delivers opening remarks; From left: Professor Claire Finkelstein, General John Altenburg, Associate Dean Kevin Govern, Mr. Alberto Mora, Dr. Stephen Xenakis, and Dr. Marcos Soler; An audience member asks a question to the panelists; From left: Mr. Benjamin Farley, Mr. Jules Zacher, General James Cartwright, and Professor Daniel Koditschek, as moderator; Ms. Jennifer Arbittier Williams, partner of Freeh Sporkin & Sullivan LLP, moderates a panel; Professor Daniel Koditschek, Alfred Fitler Moore Professor, Penn Engineering, moderates a panel



Events and Symposia

Co-Sponsored Programming

CERL was pleased to collaborate with other institutions and university centers on programming at the intersection of national security, democratic governance, and the rule of law.



Nuclear Weapons and International Law 2025

Nuclear Risks through a Legal Lens

➤ January 30, 2025
Online

CERL co-sponsored a one-day webinar, *Nuclear Weapons and International Law 2025: Nuclear Risks through a Legal Lens*, which was organized by the New York State Bar Association. The event, featuring over 30 speakers, among them CERL's Professor Claire Finkelstein and Executive Board Member Jules Zacher, addressed topics ranging from global strategic power and the risks of using nuclear weapons to applications of international law and whether, as a matter of law, nuclear deterrence amounts to a threat.



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

➤ April 14, 2025
The Wharton School
The University of Pennsylvania

The Wharton School, together with CERL, the Andrea Mitchell Center for the Study of Democracy, Penn Initiative for the Study of Markets, and Penn Program on Regulation, brought together an interdisciplinary panel of faculty at the University of Pennsylvania to discuss the topic of whether and how the Trump administration is violating a foundational understanding of the rule of law in the United States and, if so, what this may mean for the future of business. The panelists included Professors Cary Coglianese, Jesús Fernández-Villaverde, Claire Finkelstein, Mitchell Orenstein, Eric Orts, Amanda Shanor, Rogers Smith, and Jules van Binsbergen.



Student Engagement

Student Engagement

Pentagon Briefing

Pentagon officials visited Professor Claire Finkelstein's National Security Law Course at the University of Pennsylvania in April 2025 for a briefing on the use of artificial intelligence in military operations, including but not limited to support, defense, and offensive functions. The briefing was held following the issuance of Executive Order 14179 titled, "Removing Barriers to American Leadership in Artificial Intelligence." This briefing was co-sponsored by CERL.

2025 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 and the global community today.

This year, 22 students—18 from graduate programs, including Penn Carey Law, two from undergraduate programs, including Penn, and two from the Academic Bridge Fellowship Program—participated in the nine-week program. Led by CERL's executive director, Marcos Soler, and with the generous support of Penn Global, the Cozen O'Connor Foundation, the Windover Foundation, Jules Zacher, Morrison Foerster, Gary Deutsch, David Newman, and Carlos Felipe Uriarte, the program comprised a mix of lectures, seminars, research, and off-site excursions. Students benefited from learning opportunities at the United States Military Academy at West Point and Philadelphia's own historic sites.

THE PROJECTS

Interns worked in teams under CERL's leadership on various projects relating to military aid to civilian authority, a comparison of prosecution to deportation for effective counter-terrorism operations, the importance of character cultivation to national security, military firings, and criteria for assessing military appointees, presidential authority and state(s) of emergency, and other areas of research.

BRIDGE FELLOWS

This year, CERL welcomed two fellows from the U.S.-Israel Academic Bridge Fellowship Program, which brings dozens of students from Israeli universities to the University of Pennsylvania for a month-long program focused on cultural and academic exchange. The fellows worked alongside CERL's interns to conduct research, write policy papers, and present key findings.



Above, CERL's summer internship class with CERL Executive Board Members Ms. Arlene Fickler, Mr. Stuart Gerson, General James Cartwright, and Mr. Jules Zacher, along with CERL Executive Director Marcos Soler and CERL Faculty Director Claire Finkelstein



Left, CERL's interns stand in front of the National Constitution Center in Philadelphia on an excursion day

Student Engagement

2025 INTERN CLASS



Zeeshan Ali

Duke University Sanford School of Public Policy; Academic Program: Master of Public Policy



Bariha Askery

Texas A&M University; Academic Program: Bachelor of Arts (graduated)



Sofia Bazdekis

American University Washington College of Law; Academic Program: Juris Doctor



Sofia Franco

Georgetown University Law Center; Academic Program: Juris Doctor



Ilai Gavish

Harvard Law School; Academic Program: Juris Doctor



Marshay Harris

University of Pennsylvania; Academic Program: Master of Arts



Andres Jurado Coral

University of Pennsylvania Carey Law School; Academic Program: Master of Laws (graduated)



Shlomie Katash

University of Pennsylvania Carey Law School; Academic Program: Juris Doctor



William Ledesma

Vanderbilt University; Academic Program: Bachelor of Arts (graduated)



Liron Matalon

Tel Aviv University; Academic Program: Dual Degree in Economics and Law



Mika Naftali

Tel Aviv University; Academic Program: Law and English Literature



Bedansh Pandey

University of Pennsylvania; Academic Program: Bachelor of Arts



Rushabh (Rush) Patel

Duke University Sanford School of Public Policy; Academic Program: Master of Public Policy



Theo Prawiradirdja

University of Pennsylvania Carey Law School; Academic Program: Master of Laws (graduated)



Gianni Quattrocchi

University of Pennsylvania Carey Law School; Academic Program: Juris Doctor



Sara Rajković

University of Pennsylvania Carey Law School; Academic Program: Master of Laws (graduated)



Evan Robinson

University of Pennsylvania Carey Law School; Academic Program: Master of Laws (graduated)



Jared Schwartz

Georgetown University Law Center; Academic Program: Juris Doctor



Grant Spears

University of Virginia; Academic Program: Master of Public Policy & Juris Doctor



Daniel Tierney

University of Virginia's Frank Batten School of Leadership and Public Policy; Academic Program: Master of Public Policy



Zachary Wood

University of Dayton School of Law; Academic Program: Juris Doctor



James Yeagley

University of Pennsylvania Carey Law School; Academic Program: Juris Doctor

Student Engagement

WHAT CERL INTERNS HAD TO SAY ABOUT THE PROGRAM



"Through my internship at CERL, I was able to deeply engage with pressing issues at the nexus of law and national security, producing research that demanded both analytical rigor and creativity. The program's emphasis on intellectual debate, exposure to leading experts, and interactions with an array of international issues offered invaluable insights into how scholarship directly informs real-world policy and practice."

ZEESHAN ALI

Duke University Sanford School of Public Policy, Master of Public Policy Program



"CERL's internship offers a unique perspective on novel and niche research questions in national security that are not taught in the classroom, along with hands-on projects that enable you to thoroughly explore and address some of the most pressing issues affecting U.S. national security today."

WILLIAM LEDESMA

University of St Andrews, Masters Program



"I am grateful for the opportunity to strengthen my research skills and deepen my understanding of critical legal and ethical issues through my work with fellow interns and the experts at CERL. The exposure to diverse perspectives and practical insights has not only expanded my knowledge but also provided valuable connections and experiences that will guide my future career."

SOFIA BAZDEKIS

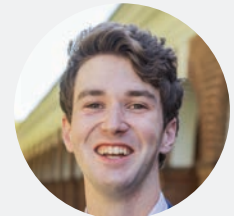
Fordham University School of Law, Juris Doctor Program



"Within the span of nine weeks, I developed expertise in new fields, collaborated with experts and peers whose resumes impress in any room, had direct access to a world-class university, and presented in front of the world's most renowned military academy, all without any background in national security and foreign affairs. This internship changed the course of my career and for that, I will always be grateful."

DANIEL TIERNEY

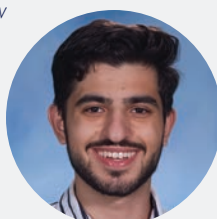
University of Virginia's Frank Batten School of Leadership and Public Policy, Master of Public Policy Program



"I loved my summer at CERL. It was a chance to work alongside some incredibly smart and passionate people, and to learn from some of the most accomplished people in the field. It was an amazing privilege to research and try to solve some of the most pressing problems in law and national security."

SHLOMIE KATASH

University of Pennsylvania Carey Law School, Juris Doctor Program



"As an aspiring U.S. Army Judge Advocate, my time spent at CERL proved invaluable to my professional development, addressing what is arguably the most crucial cornerstone of the military legal field—the intersection of ethics and the rule of law. CERL distinguishes itself from other research centers through its network of accomplished scholars, military affiliated professionals, and legal practitioners who provide valuable insight and guidance. The opportunity to collaborate with such exceptional individuals and peers has fostered a professional support system that I will carry with me for years to come."

ZACHARY WOOD

University of Dayton School of Law, Juris Doctor Program



Guest Speaker Series

CERL thanks its guest speakers for their valuable contributions to CERL's 2025 Summer Internship Program.

Joshua Braver, Assistant Professor of Law, University of Wisconsin-Madison

Lieutenant General (Ret.) James Clapper Jr., U.S. Air Force; fmr Director of National Intelligence

Matthew Dalton, Reporter, *The Wall Street Journal*

Amy Gadsden, Associate Vice Provost for Global Initiatives, University of Pennsylvania

Captain David Glinbizzi, Philosophy Instructor, United States Military Academy (USMA)

Michelle Kallen, Partner and Co-Chair of the Appeals and Advocacy Practice, Steptoe

Orde Kittre, Professor of Law, Arizona State University; CERL Advisory Council Member

Larry Lewis, Founder, CNA's Center for Autonomy and Artificial Intelligence

Leo Mackay, Senior Vice President of Ethics and Enterprise Assurance, Lockheed Martin Corporation

Scott Moore, Practice Professor of Political Science and Managing Director of Penn Global, University of Pennsylvania

David Newman, Partner and Co-Chair of the National Security and Crisis Management Practices, Morrison Foerster

Graham Parsons, fmr Assistant Professor, United States Military Academy (USMA)

Joseph Popcun, Executive Deputy Commissioner, New York State Division of Criminal Justice Service

Carlos Felipe Uriarte, Partner, Co-Chair of the Congressional Investigations Practice, Morrison Foerster; fmr Assistant Attorney General for the Office of Legislative Affairs, Department of Justice

BREAKFAST WITH THE BOARD

Sean Carter, Member, Cozen O'Connor

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

Stuart Gerson, Of Counsel, Epstein Becker Green; fmr Acting Attorney General of the United States

Morton Halperin, Chairperson of CERL's Executive Board

Jennifer Arbittier Williams, Partner of Freeh Sporkin & Sullivan LLP

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

Brigadier General (Ret.) Stephen Xenakis, MD, U.S. Army; Adjunct Professor, Uniformed Services University of Health Sciences

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



CERL's 2025 interns with General James Cartwright after a "Breakfast with the Board" meeting

Student Engagement

Mentors

Jenn Cohen, Director of Engagement, CERL, University of Pennsylvania

Benjamin Farley, CERL Advisory Council Member

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

Brenner Fissell, Professor of Law, Villanova University; CERL Distinguished Senior Fellow

Stuart Gerson, Of Counsel, Epstein Becker Green; fmr Acting Attorney General of the United States; CERL Executive Board Member

Joshua Greenberg, U.S. Army, Officer with the 4th Infantry Division; Doctoral Student, Cornell University; CERL Nonresident Fellow

Alberto Mora, fmr General Counsel, U.S. Department of the Navy; CERL Executive Board Member

David Newman, Partner and Co-Chair of the National Security and Crisis Management Practices, Morrison Foerster

Graham Parsons, fmr Assistant Professor, United States Military Academy (USMA)

Marcos Soler, Executive Director, CERL, University of Pennsylvania

Carlos Felipe Uriarte, Partner, Co-Chair of the Congressional Investigations Practice, Morrison Foerster; fmr Assistant Attorney General for the Office of Legislative Affairs, Department of Justice

Jennifer Arbittier Williams, Partner of Freeh Sporkin & Sullivan LLP; CERL Executive Board Member

Abraham Wyner, Professor of Statistics and Data Science at Wharton; CERL Affiliated Faculty, University of Pennsylvania

Brigadier General (Ret.) Stephen Xenakis, MD, U.S. Army; Adjunct Professor, Uniformed Services University of Health Sciences; CERL Executive Board Member

Jules Zacher, Attorney, Jules Zacher, P.C.; Chairman, Council for a Livable World; CERL Executive Board Member



Top to bottom: Professor Scott Moore, Practice Professor of Political Science and Director of China Programs and Strategic Initiatives at Penn Global, provides opening remarks at the Center's summer soirée; Ms. Sofia Bazdekis; Mr. Bedansh Pandey; Mr. Andres Jurado Coral



Clockwise from top: Interns William Ledesma and James Yeagley present to audience at Professor Finkelstein's residence; From left: Interns Ms. Sofia Bazdekis, Ms. Sofia Franco, Ms. Mika Naftali, Ms. Bariha Askery; From left: Interns Mr. Theo Prawiradirdja, Mr. Rushabh (Rush) Patel, Mr. Daniel Tierney, Mr. Ilai Gavish, and Mr. Liron Matalon; Mr. Shai Dromy, former CERN intern and program director of the Academic Bridge Fellowship Program, asks the interns a question following their presentations; From left: Interns Ms. Bariha Askery, Mr. Gianni Quattrocchi, Mr. Grant Spears, and Mr. Theo Prawiradirdja deliberate ahead of end-of-summer presentations

Student Engagement



Above, CERL's interns visited the United States Military Academy at West Point, where several teams presented findings from their research. CERL is grateful to the Department of Law and Philosophy for hosting this visit and taking time out of their busy schedules to discuss various topics at the intersection of national security, ethics, and the rule of law.

Left, CERL's interns with Ms. Jennifer Arbittier Williams after a "Breakfast with the Board" meeting



Publications and Filings

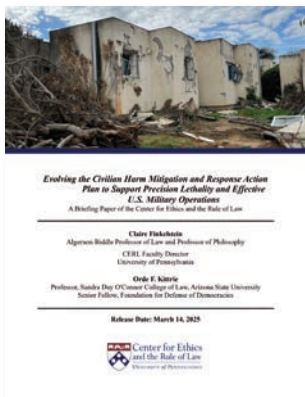
Publications and Filings



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

➤ Edited by Marc Ambinder, Jennifer Henrichsen, and Connie Rosati
Oxford University Press, 2024

Twenty-five experts contributed to the 15-chapter volume, which considers the various challenges faced by journalists in the national security field, attorneys engaged in national security litigation, and government institutions handling classified information at a time when misinformation and distrust are on the rise. The contributors examined, among other areas, the information landscape, presidential power, and shifting norms around transparency and privacy in the digital age.



Evolving the Civilian Harm Mitigation and Response Action Plan to Support Precision Lethality and Effective U.S. Military Operations

➤ March 14, 2025

CERL published a briefing paper outlining the strategic benefits of the Civilian Harm Mitigation and Response Action Plan (CHMR-AP) and its associated center for excellence (CP CoE). Continuing efforts by the Department of Defense to study civilian harm in armed conflict will help advance bipartisan goals to improve the effective lethality of U.S. targeting operations, the paper stresses. The paper's authors, Professor Finkelstein and Orde Kittrie, law professor at Arizona State University and a senior fellow at the Foundation for Defense of Democracies, argue the CHMR-AP and the CP CoE are critical for refining U.S. targeting operations to ensure their precision and effectiveness. The CHMR-AP will also help the United States make progress on understanding key challenges on the battlefield, such as those relating to the use of human shields and developing advanced technologies with broad-ranging applications.

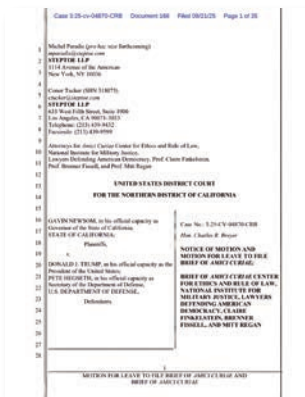


Federal Troop Deployments to Quell Civil Unrest

From Tabletop Exercises to Reality

President Trump's string of National Guard deployments to U.S. cities raises many legal and operational questions. Just two months after President Trump federalized National Guard troops in California and mobilized roughly 700 Marines to quell protests in Los Angeles over his immigration policies, he deployed the National Guard to Washington, D.C., wresting control of the district's police in response to what he called a "crime emergency," despite crime rates reaching historic lows.

This paper leverages findings from CERL's two tabletop exercises to bring into focus the legal and operational risks of these deployments. CERL's exercises anticipated conflicts over the federalization of the Guard without state consent, the limits of presidential power under the Posse Comitatus and Insurrection Acts, and the capacity of courts to provide timely guidance. The report emphasizes that the use of federal troops for domestic law enforcement raises profound concerns about federal overreach, strained civil-military relations, and the erosion of democratic safeguards.



Amicus Brief

Newsom v. Trump

The deployment of federal troops in California was a misuse of U.S. forces and threat to the constitutional rights of ordinary Americans

Together with the National Institute of Military Justice (NIMJ), Lawyers Defending American Democracy, and Professors Claire Finkelstein, Brenner Fissell, and Mitt Regan, CERL filed an amicus brief in the case *Newsom v. Trump*, supporting claims by Governor Gavin Newsom and the State of California that President Donald Trump exceeded his authority in federalizing the National Guard to suppress protests in Los Angeles over his immigration policy.



"California's case against the Trump administration for its deployment of the National Guard constitutes a critical defense of the autonomy of state government as a defender of U.S. democracy. The use of federal troops to suppress civil dissent in the absence of any true emergency violates both the important principle of federalism as well as the long-standing tradition of posse comitatus, which distinguishes military operations from civilian law-enforcement functions. Blurring the civilian-military divide imperils military readiness and leaves Americans vulnerable to violations of their constitutional rights."

Professor Finkelstein, faculty director of CERL and law professor at Penn

Publications and Filings

The brief highlights the dangers of normalizing domestic military deployments, emphasizing the Posse Comitatus Act's prohibition on using the armed forces in civilian law enforcement, the constitutional principle of federalism that grants states primary authority over their National Guard, and the potential violations of First and Fourth Amendment rights. Unchecked deference to executive authority would erode democratic safeguards and allow the president to wield the military as a domestic police force.



"Domestic use of the military is something the Framers fought a Revolution to prevent. While federal troops can legally 'protect' federal assets, this is not a blank check."

Professor Fissell, vice president of NIMJ and law professor at Villanova

In a 52-page opinion, Judge Charles Breyer of the U.S. District Court for the Northern District of California confirmed the position of California and that of CERL: The president exceeded his authority in using the military to police protests in Los Angeles. CERL's involvement, alongside that of other partnering institutions, helped frame this high-stakes case as more than a political battle—at its core, *Newsom v. Trump* is putting to the test the limits of presidential power.



"Core principles of democracy and the rule of law require that the executive branch not be able to enlist the military in performing functions that state law enforcement personnel can perform. This is crucial in preventing use of the military to suppress opposition to government policies and to infringe on core constitutional protection against unlawful detention and the use of force."

Professor Regan, law professor at Georgetown



The Rule of Law Post

The Rule of Law Post

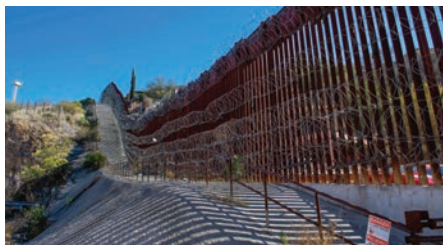
Blog Posts

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. This year, the Center published eight posts.



The PRESS Act would endanger national security secrets

➤ George Croner
November 22, 2024



Military support to detention and deportation

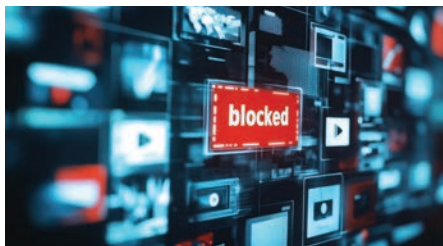
➤ Stephen Xenakis and Harold Kudler
February 26, 2025



Preventing a flash war:

Countering the risk of AI-driven escalation on the battlefield

➤ Kyle Brown, Julian Gould, and Jesse Hamilton
April 24, 2025



How terminological ambiguities in Section 706 of the Communications Act of 1934 could imperil the future of communication infrastructure

➤ Matthew Conaty
May 12, 2025



Israel's attack on Iran's nuclear weapons program is fully justified under international law

➤ Geoffrey Corn and Orde Kittrie
June 18, 2025



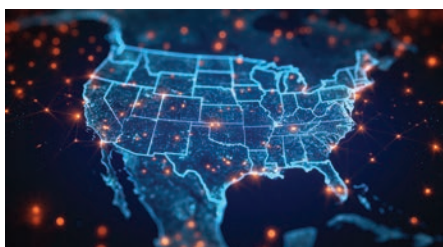
The “assault on intelligence” continues: Politicized investigations severely compromise U.S. national security

➤ George Croner
July 16, 2025



Defending international law in the attacks on Iran

➤ Mary Ellen O'Connell
July 18, 2025



Media mischaracterized federal court decision on ICC sanctions

➤ Orde Kittrie
July 29, 2025

The views expressed in these posts are those of the authors and do not necessarily represent those of any organization or university.

General James Cartwright, member of CERL's Executive Board, delivers insights from the September 2024 tabletop exercise, which simulated scenarios relating to the certification of the 2024 presidential election and inauguration-related threats to the peaceful transition of power





In the News

CERL in the News

Expert commentary from CERL's affiliates appeared in over 90 outlets, including the BBC, NPR, and *The New York Times*. Members of CERL's staff, Affiliated Faculty, Executive Board, and Advisory Council authored over 40 op-eds in more than 15 outlets, including *Lawfare*, *The Hill*, and *The Washington Post*.



TELEVISION

MSNBC

➤ February 22, 2025

Professor Kermit Roosevelt, member of CERL's Affiliated Faculty, appeared on MSNBC to discuss the implications for America's system of checks and balances of President Trump's efforts to end New York City's congestion pricing and place ICE agents on Rikers Island.

ABC News, Fox News, NBC News

➤ June 2025

Executive Board Member General Joseph Votel appeared on various news outlets to discuss the situation in Iran, including Israel's airstrikes on Iran's nuclear and military sites, negotiations around Iran's nuclear weapons program, and the U.S. decision to drop bunker-buster bombs on three Iranian nuclear facilities.

News 4 (WOAI) San Antonio | Immigration Crisis The Fight for the Southern Border

➤ May 8, 2025

Professor Geoffrey Corn, member of CERL's Advisory Council, joined WOAI San Antonio to discuss how President Trump navigated legal hurdles and public opinion to deploy federal troops to the southern border. He explains Trump bypassed the Posse Comitatus Act, which restricts the use of the military for domestic law enforcement, by invoking the National Emergencies Act to expand military installations.



RADIO

NPR

➤ March 11, 2025

Executive Board Member General Joseph Votel spoke with NPR's Steve Inskeep about Secretary Pete Hegseth's moves to fire some of the top military lawyers and reduce positions in the Pentagon responsible for mitigating civilian harm in conflict.

NPR

➤ April 29, 2025

Executive Board Member Mark Zaid spoke with Tom Dreisbach on NPR's *All Things Considered* about President Trump's strategy of seeking retribution against political opponents, including organizations and individuals.

Bloomberg

➤ August 12, 2025

In a conversation with June Grasso, CERL's Professor Claire Finkelstein discussed the lawsuit filed by Governor Gavin Newsom and the State of California against President Trump for his deployment of federal troops to Los Angeles to quell protests, and what was at stake in the three-day trial in San Francisco that began on Monday, August 11, 2025.



OPINIONS

Can troops be deployed to the polls should the worst occur on Election Day?

➤ By Claire Finkelstein and Brenner Fissell, *The Hill*
October 27, 2024

CERL's Professor Claire Finkelstein and Distinguished Senior Fellow Brenner Fissell examine the legality of using troops for domestic law enforcement purposes, pointing to findings from the tabletop exercises CERL ran to probe readiness for the potential of civil unrest surrounding the 2024 presidential election.

Understanding Trump's choice for FBI leadership in light of the "weaponization of the federal government" executive order

➤ **By Stuart Gerson, *Just Security***
January 29, 2025

CERL Executive Board Member Stuart Gerson explains how the President is weaponizing federal law enforcement, the Department of Justice, and the judiciary for his own personal gains, and how his broad immunity will continue to shield him from prosecution.

Trump is dismantling the system that guards against government malfeasance

➤ **By Mark Zaid and Andrew P. Bakaj, *The New York Times***
January 29, 2025

CERL Executive Board Member Mark Zaid comments on the potential effects on government whistleblowers of Trump's firing of nonpartisan inspectors general—many of whom he appointed during his first term—without giving Congress 30-days' notice nor providing the requisite substantive rationale for their firing.

The Pentagon is about to make a big mistake on civilian harm mitigation

➤ **By Claire Finkelstein, *War on the Rocks***
March 5, 2025

In response to the Trump administration indicating that both the Civilian Harm Mitigation and Response Action Plan (CHMR-AP) and its associated center for excellence (CP CoE) were on the chopping block in accordance with Department of Government Efficiency guidance to reduce "nonlethal" Pentagon programs, Professor Claire Finkelstein explains how mitigating civilian harm is, in fact, aligned with Secretary Pete Hegseth's focus on lethality.

Why Trump didn't have to ask Congress before striking Iran

➤ **By Geoffrey Corn, Claire Finkelstein, and Orde Kittrie, *The Washington Post***
June 23, 2025

President Donald Trump did not need congressional approval to authorize the June 2025 strikes on Iran's nuclear weapons sites, argue Professors Geoffrey Corn, Claire Finkelstein, and Orde Kittrie. The Justice Department has consistently held the position that, in situations where the use of force serves national interests and is limited in time and scope, the president has the authority to engage in military action independent of congressional approval.

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Upcoming Programming

Upcoming Programming



Calling Forth the Troops:

The Law, History, and Ethics of U.S. Domestic Deployments

➤ April 2026

Penn Washington

This spring, CERL will host a two-day conference focused on domestic military deployments and the administration's proposal to use American cities as "training grounds" for the U.S. military. The sessions will emphasize challenges to the rule of law in military operations, the impact on the chain of command, and the implications for democratic governance in the United States, as well as highlight the threat these deployments pose to fundamental constitutional rights. Two questions driving the discussion are: How do we account for expansions of presidential power? What tools, including military deployments, can the president use to institutionalize and insulate from external control its policy agenda?

The workshop-style sessions of this conference will be closed to the public and conducted under the Chatham House Rule.

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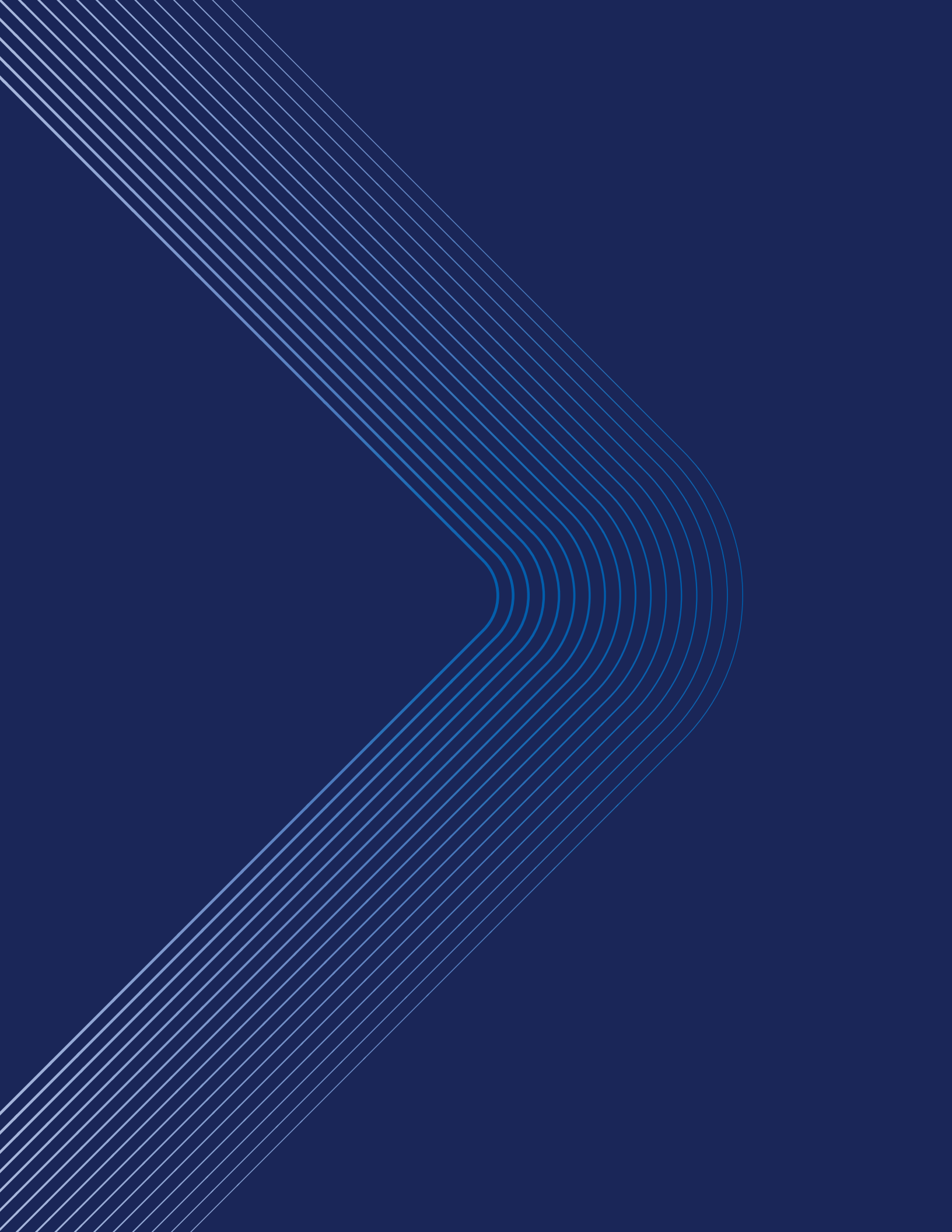
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