



WASHBURN UNIVERSITY  
SCHOOL OF LAW

# THE RULE OF LAW & THE GLOBAL WAR ON TERRORISM:

*Detainees, Interrogations, and Military Commissions*

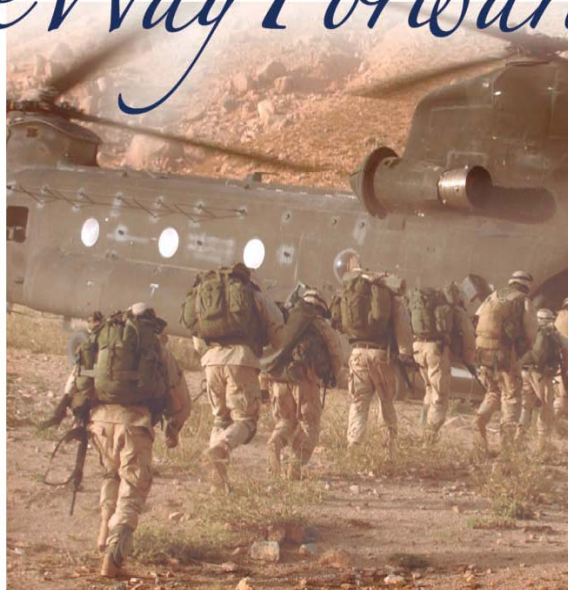
**November 13 - 14, 2008**

Bradbury Thompson Alumni Center  
Washburn University • Topeka, Kansas

[www.washburnlaw.edu/ruleoflaw/](http://www.washburnlaw.edu/ruleoflaw/)



*The Way Forward*



The Center for Law and Government  
and the *Washburn Law Journal* present:



# THE RULE OF LAW & THE GLOBAL WAR ON TERRORISM:

*Detainees, Interrogations, and Military Commissions*

*The Way Forward*

“For as in absolute governments the King is law,  
so in free countries the law ought to be king . . . .”

— Thomas Paine, *COMMON SENSE* (1776)

The United States Constitution was founded on the Rule of Law. The Global War on Terrorism has tested the limits of our constitutional values and has posed unprecedented challenges for the U.S. legal system. Throughout these difficult times, the federal courts have been instrumental in upholding the Rule of Law.

The Rule of Law and the Global War on Terrorism Symposium will examine legal implications of governmental actions taken in response to the attacks of September 11, 2001. Our speakers and participants will reevaluate and reassess these complex issues to explore possible ways forward as our nation prepares for a new administration.



# Symposium Schedule



Thursday, November 13, 2008

## Setting the Conditions for the War on Terrorism

8:00 - 9:30 a.m. — REGISTRATION AND CONTINENTAL BREAKFAST  
Bradbury Thompson Alumni Center

9:30 - 9:45 a.m. — WELCOMING REMARKS  
**Thomas J. Romig**, Dean and Professor of Law,  
Washburn University School of Law

9:45 - 10:45 a.m. — SETTING THE STAGE:  
THE UNITARY EXECUTIVE THEORY

In times of national crisis, the rule of law and bedrock principles of democracy are most in danger of giving way to government concern for national security. On September 25, 2001, the Office of Legal Counsel advised the White House, “The centralization of authority in the President alone is particularly crucial in matters of national defense, war, and foreign policy, where a unitary executive can evaluate threats, consider policy choices, and mobilize national resources with a speed and energy that is far superior to any other branch.”<sup>1</sup> Our panelists will discuss how the Bush Administration’s broad interpretation of the unitary executive theory set the stage for the Nation’s response to the unprecedented events of 9/11.

Moderator: **David E. Graham**, Colonel (ret.); Executive Director, The Judge Advocate General’s Legal Center and School, U.S. Army

Panelists: **Robert F. Turner**, Professor, General Faculty, and Associate Director, Center for National Security Law, University of Virginia School of Law

**William C. Banks**, Professor, Syracuse University College of Law, and Director, Institute for National Security & Counterterrorism

**Sean Watts**, Assistant Professor of Law, Creighton University School of Law

10:45 - 11:00 a.m. — BREAK



11:00 - 11:45 a.m. — DEFENDING HUMANITY:  
WHEN FORCE IS JUSTIFIED AND WHY

**George Fletcher**, Cardozo Professor of Jurisprudence,  
Columbia Law School

11:45 a.m. - 1:00 p.m. — LUNCH PROVIDED

THE NORTHERN IRELAND EXPERIENCE: EFFECTS  
OF DETENTION AND INTERROGATION POLICY  
ON TERRORISM RATES

**Celia Rumann**, Associate Professor of Law, Phoenix School  
of Law

**Michael P. O’Connor**, Associate Professor of Law,  
Phoenix School of Law

<sup>1</sup>John C. Yoo, *Memorandum Opinion for Timothy Flanigan, Deputy Counsel to the President*, (U.S. Dept. of Justice, Sept. 25, 2001).

# Symposium Schedule

Thursday, November 13, 2008

## The U.S. Administration Responds: Detain and Interrogate

1:00 - 2:00 p.m. — DEFINING WAR AND TERRORISM: REDRAWING CONCEPTUAL LINES

War is not an inevitable government response to terrorism. Other policy choices were available when Congress authorized armed force in response to the 9/11 attacks. Panelists will discuss whether aggression is the appropriate response to terrorism, and how a war against terrorism differs from a war against a nation-state. When is preemptive force warranted? Is the U.S. counterterrorism effort a “war” or an “armed conflict”? If terrorism is the enemy, are suspected terrorists “enemy combatants,” “prisoners of war,” or common criminals?

Moderator: **William Banks**, Professor, Syracuse University College of Law, and Director, Institute for National Security & Counterterrorism

Panelists: **Mary Ellen O’Connell**, Robert and Marion Short Professor of Law, University of Notre Dame Law School

**George Fletcher**, Cardozo Professor of Jurisprudence, Columbia Law School

**Noah Weisbord**, Visiting Assistant Professor of Law, Duke University School of Law

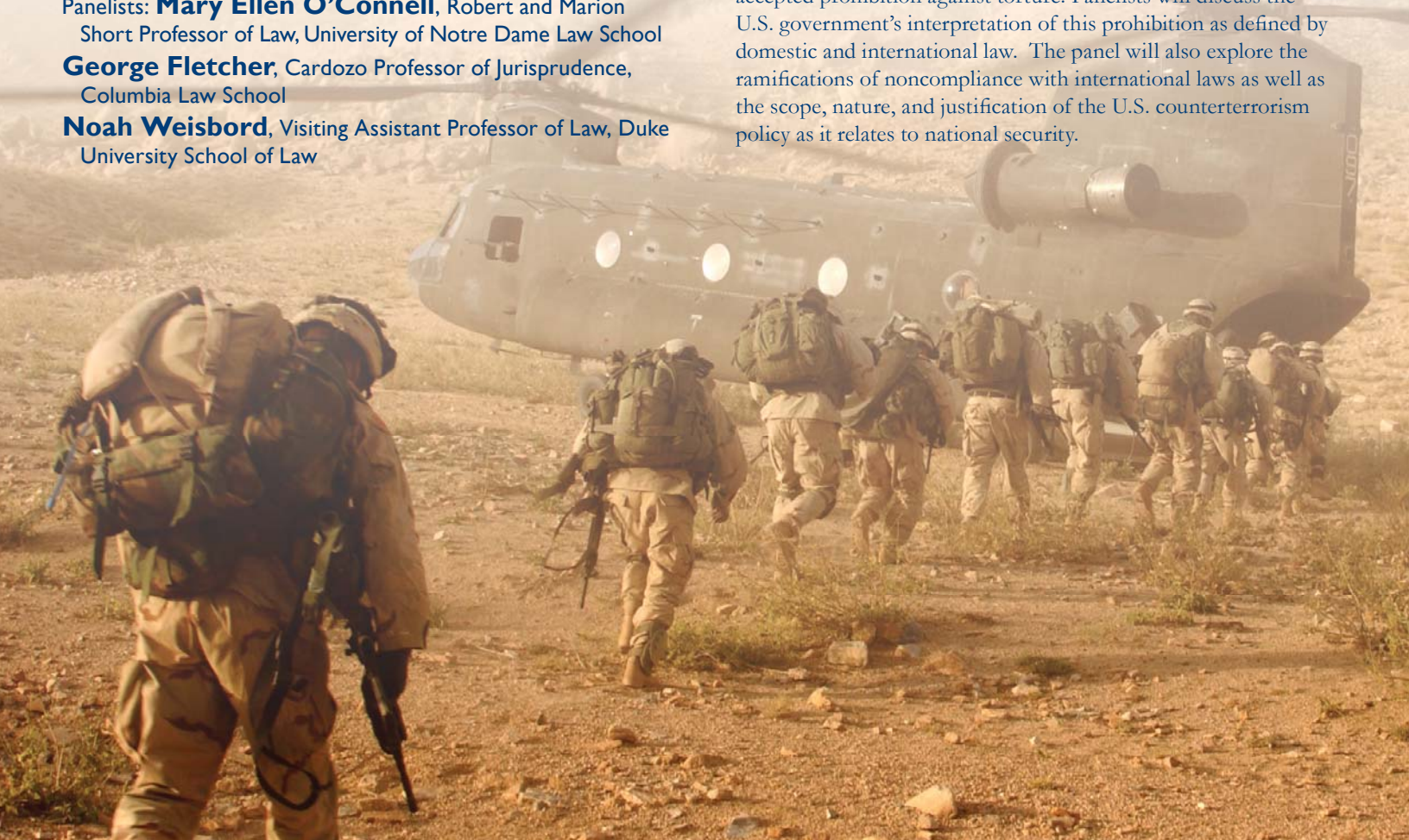
2:05 - 2:50 p.m. — TORTURE TEAM: ABUSE, LAWYERS, AND THE POSSIBILITY OF CRIMINAL RESPONSIBILITY

**Philippe Sands**, Professor of Law and Director, Centre on International Courts and Tribunals, University College of London

2:50 - 3:05 p.m. — BREAK

3:05 - 4:05 p.m. — DETENTION AND INTERROGATIONS: U.S. COMPLIANCE WITH INTERNATIONAL NORMS

After 9/11, the U.S. government undertook to detain and interrogate suspected “enemy combatants” at facilities in Afghanistan, Iraq, and Guantánamo Bay. The Bush Administration claims authority for these actions based on the President’s role as Commander-in-Chief of the Armed Forces. The U.S. government has sought to narrow the definition of torture by authorizing “enhanced interrogation techniques,” despite an internationally accepted prohibition against torture. Panelists will discuss the U.S. government’s interpretation of this prohibition as defined by domestic and international law. The panel will also explore the ramifications of noncompliance with international laws as well as the scope, nature, and justification of the U.S. counterterrorism policy as it relates to national security.







Friday, November 14, 2008

## The U.S. Congress and Courts Respond: Detainee Treatment Act, Military Commissions, and Habeas Corpus

8:00 - 9:00 a.m. — REGISTRATION, CONTINENTAL BREAKFAST, AND OPTIONAL BOOK SIGNING  
Bradbury Thompson Alumni Center

9:00 - 9:40 a.m. — U.S. DETENTION POLICY FOR FOREIGN NATIONALS CAPTURED IN COMBAT

**Ambassador Pierre-Richard Prosper**, Former U.S. Ambassador-at-Large, Office of War Crimes Issues, Office of the Secretary of State; Of Counsel, Arent Fox, LLP

9:45 - 10:15 a.m. — REPRESENTING DETAINEES IN COURT

**Joseph Margulies**, Clinical Associate Professor of Law and Assistant Director, Roderick MacArthur Justice Center, Northwestern University School of Law

10:15 - 10:30 a.m. — BREAK

Moderator: **Robert F. Turner**, Professor, General Faculty, and Associate Director, Center for National Security Law, University of Virginia School of Law

Panelists: **Joseph Margulies**, Clinical Associate Professor of Law and Assistant Director, Roderick MacArthur Justice Center, Northwestern University School of Law

**David E. Graham**, Colonel (ret.); Executive Director, The Judge Advocate General's Legal Center and School, U.S. Army

**Sean Watts**, Assistant Professor of Law, Creighton University School of Law

4:05 - 4:15 p.m. — ANNOUNCEMENTS

**Thomas J. Romig**, Dean and Professor of Law, Washburn University School of Law

4:00 - 5:30 p.m. — OPTIONAL BOOK SIGNING

4:30 - 6:00 p.m. — OPTIONAL TOUR OF BROWN v. BOARD OF EDUCATION NATIONAL HISTORIC SITE

6:30 - 9:00 p.m. — DINNER (pre-registration required)  
Sunflower Room, Capitol Plaza Hotel

TAKEOVER: THE RETURN OF THE IMPERIAL PRESIDENCY

**Charlie Savage**, Washington correspondent for the *New York Times*



# Symposium Schedule

## 10:30 - 11:30 a.m. — DETAINEE TREATMENT: CONGRESS AND THE COURTS RESPOND

Immediately after 9/11, Congress authorized the use of armed force against those responsible for the attacks, thus assuring the President a powerful role as Commander-in-Chief. Yet as time went on, Congress and the courts alike would inevitably play increasingly important oversight roles in the exercise of executive power. Panelists will discuss legislative and judicial responses to the Administration's actions, including whether U.S. counterterrorism policy reflects a true balance of power among the three "co-equal" branches. In particular, the panel will address congressional enactments and the implications of recent Supreme Court decisions, including *Boumediene v. Bush*, 128 S. Ct. 2229 (2008), which struck down Congress' attempt to strip federal courts of habeas corpus jurisdiction over Guantánamo detainees.

Moderator: **Joseph Margulies**, Clinical Associate Professor of Law and Assistant Director, Roderick MacArthur Justice Center, Northwestern University School of Law

Panelists: **Samuel V. Jones**, Assistant Professor, The John Marshall Law School

**Ambassador Pierre-Richard Prosper**, Former U.S. Ambassador-at-Large, Office of War Crimes Issues, Office of the Secretary of State; Of Counsel, Arent Fox, LLP

**Gabor Rona** — International Legal Director, Human Rights First

## 11:30 a.m. - Noon — CREATING DOMESTIC TERROR COURTS

**Amos Guiora**, Professor of Law, The S.J. Quinney College of Law, University of Utah

## Noon - 1:00 p.m. — LUNCH PROVIDED

## THE DIFFICULTY OF DEFENDING DETAINEES

**David J. R. Frakt**, Associate Professor of Law and Director, Criminal Law Practice Center, Western State University College of Law

Friday, November 14, 2008

## A New Administration:

### *The Way Forward*

## 1:00 - 2:00 p.m. — THE PROPER FORUM: MILITARY COMMISSIONS OR OTHER ALTERNATIVES?

On November 13, 2001, President Bush ordered the detention of suspected terrorists subject to trial by military commission. After the Supreme Court ruled in 2006 that the President lacked authority to unilaterally establish military commissions, Congress enacted the Military Commissions Act of 2006, effectively endorsing the use of military tribunals to try detainees. In *Boumediene v. Bush*, 128 S. Ct. 2229 (2008), the Supreme Court held that the military commissions established by Congress are not a sufficient substitute for the constitutional right of habeas corpus. Panelists will discuss the fate of military commissions in light of *Boumediene*, and will explore other alternatives for adjudicating detainees.

Moderator: **David J. R. Frakt**, Associate Professor of Law and Director, Criminal Law Practice Center, Western State University College of Law

Panelists: **Amos Guiora**, Professor of Law, The S.J. Quinney College of Law, University of Utah

**Gabor Rona** — International Legal Director, Human Rights First

**Samuel V. Jones**, Assistant Professor, The John Marshall Law School

## 2:05 - 3:05 p.m. — GLOBAL WAR ON TERRORISM AND ACCOUNTABILITY FOR WAR CRIMES

In May 2008, the Department of Justice released a report of its Office of Inspector General detailing the outcome of an investigation into the treatment of alien detainees. This and other recently de-classified reports on detainee treatment demonstrate that "enhanced interrogation techniques" are highly suspect when viewed in light of federal laws, treaties, and customary international law. Panelists will debate whether U.S. government leaders, lawyers, and others may be held to account under domestic and international law for engaging in actions that some observers consider war crimes, and, if appropriate, how to bring responsible parties to justice.





Moderator: **Mary Ellen O'Connell**, Robert and Marion Short Professor of Law, University of Notre Dame Law School

Panelists: **Philippe Sands**, Professor of Law and Director, Centre on International Courts and Tribunals, University College of London

**Noah Weisbord**, Visiting Assistant Professor of Law, Duke University School of Law

**Robert F. Turner**, Professor, General Faculty, and Associate Director, Center for National Security Law, University of Virginia School of Law

3:05 - 3:20 p.m. — BREAK

### 3:20 - 4:20 p.m. — THE WAY FORWARD: LEGAL CHOICES IN THE GLOBAL WAR ON TERRORISM

On January 20, 2009, the next President will inherit responsibility for a host of foreign policy issues related to the global war on terrorism. Panelists will discuss the difficult legal issues confronting the new administration. Will the unitary executive doctrine continue to shape the nation's response to the war on terrorism? Will Congress acknowledge and accept responsibility for exercising its constitutional role in protecting national security? With the benefit of hindsight, what advice can experts offer for the next phase of the war on terrorism?

Symposium participants are encouraged to join in the panel discussion by identifying possible solutions for mapping The Way Forward.

Moderator: **Thomas J. Romig**, Dean and Professor of Law, Washburn University School of Law

Panelists: **Mary Ellen O'Connell**, Robert and Marion Short Professor of Law, University of Notre Dame Law School

**Philippe Sands**, Professor of Law and Director, Centre on International Courts and Tribunals, University College of London

**David E. Graham**, Colonel (ret.); Executive Director, The Judge Advocate General's Legal Center and School, U.S. Army

4:20 - 4:30 p.m. — CLOSING REMARKS

**Thomas J. Romig**, Dean and Professor of Law, Washburn University School of Law



# Symposium Speakers



**WILLIAM C. BANKS** — *Laura J. and L. Douglas Meredith Professor of Law, Syracuse University College of Law; Director, Institute for National Security and Counterterrorism*

Professor William C. Banks is recognized internationally as an expert in constitutional law, national security law, and counterterrorism. Banks co-wrote the leading text in the field, *National Security Law* (4th ed. Aspen 2006), first published in 1990. Banks and his co-authors published *Counterterrorism Law* (Aspen 2007) to help define the emerging field. Banks has authored numerous other books, book chapters, and articles, including “Legal Sanctuaries and Predator Strikes in the War on Terror,” in *Denial of Sanctuary: Understanding Terrorist Safe Havens* (Michael Innes, ed., Praeger Press 2007); *The Death of FISA*, 91 MINNESOTA LAW REVIEW 1209 (2007); and *Targeted Killing and Assassination: the U.S. Legal Framework* 37 UNIVERSITY OF RICHMOND LAW REVIEW 667 (2003). Banks joined the faculty of the Syracuse University College of Law in 1978. Since 1998 he also has been a Professor of Public Administration in Syracuse University’s Maxwell School of Citizenship and Public Affairs. He was named the Laura J. and L. Douglas Meredith Professor for Teaching Excellence in 1998 and became the founding director of the Institute for National Security and Counterterrorism at Syracuse University in 2003.



**GEORGE P. FLETCHER** — *Cardozo Professor of Jurisprudence, Columbia Law School*

George P. Fletcher, the Cardozo Professor of Jurisprudence at Columbia, has published over a hundred scholarly articles and eleven books. The latest tome is *Defending Humanity: When Force is Used and Justified* (Oxford University Press 2008 with Jens Ohlin). Other recent books include *The Grammar of Criminal Law: American, Comparative, and International* (Oxford University Press 2007) and *Our Secret Constitution: How Lincoln Redefined American Democracy* (Oxford University Press 2001), feted as the best book on law published that year. His earlier prize-winners include *A Crime of Self Defense: Bernhard Goetz and the Law on Trial* (Free Press 1988), which received the ABA Silver Gavel Award and *Rethinking Criminal Law* (Little Brown 1978, 2000), selected as one of the best books published on law in the late 1970s. Fletcher’s work has been featured in special editions of the *Cardozo Law Review* (2007), the *Tulsa Law Review* (2004), and the *Notre Dame Law Review* (2003). In 2004 Fletcher was elected to the American Academy of Arts and Sciences. A new book on torts and a novel about academia will appear by spring 2009.



**DAVID J. R. FRAKT** — *Associate Professor of Law and Director, Criminal Law Practice Center, Western State University College of Law*

Professor Frakt, a Major in the U.S. Air Force Judge Advocate General’s Corps Reserve, was voluntarily recalled to active duty in April

2008 to serve as a military defense counsel with the Office of Military Commissions, representing detainees at Guantánamo Bay facing trial by military commissions. Professor Frakt is on a leave of absence for the 2008-09 academic year from Western State. He is also the acting Senior Individual Mobilization Augmentee and Reserve Coordinator at the Office of the Staff Judge Advocate, Air Force Flight Test Center, Edwards Air Force Base, California. Professor Frakt served for nine and a half years on active duty before transferring to the Reserves, specializing in military justice, operational, and international law. Professor Frakt writes and teaches in the areas of constitutional criminal procedure, criminal law, evidence, and international war crimes. Professor Frakt earned his B.A., *summa cum laude*, from the University of California-Irvine, and his J.D., *cum laude*, from Harvard Law School. He clerked for the Honorable Monroe G. McKay, Chief Judge Emeritus of the U.S. Court of Appeals for the Tenth Circuit. He is a Distinguished Graduate of the Squadron Officer’s School and a 2003 graduate of the Air Command and Staff College.



**DAVID E. GRAHAM** — *Colonel (ret.); Executive Director, The Judge Advocate General’s Legal Center and School, U.S. Army*

David E. Graham, a retired Army Colonel, has extensive experience in International Law and played a seminal role in developing the field of Operational Law. He served as Chief of the International/Operational Law Division, Office of the Judge Advocate General of the Army, and as Director of the Center for Law and Military Operations, now an integral part of the Army JAG School. Mr. Graham has a long-standing relationship with the former JAG School and the University of Virginia, where he was a professor, department head, and academic director. He has published articles in multiple law journals and has lectured extensively worldwide. In late 2007, he authored *The U.S. Judicial Response to Post-9/11: Executive Tenuity and Congressional Acquiescence*, a policy brief on behalf of The Foundation for Law, Justice and Society, which accurately predicted the outcome of *Boumediene v. Bush*, 128 S. Ct. 2229 (2008). He holds an M.A. in International Affairs from The George Washington University, a J.D. from the University of Texas School of Law, and a Certificate from The Hague Academy of International Law. He is also a Distinguished Graduate of The National War College.



**AMOS GUIORA** — *Professor of Law, The S.J. Quinney College of Law, University of Utah*

Professor Guiora teaches International Law, Global Perspectives on Counter-terrorism, Religion and Terrorism, Criminal Law, and Criminal Procedure. He helps lead efforts to provide research, innovative training, and public service initiatives to prevent and mitigate global conflict. Before joining the S.J. Quinney faculty, Professor Guiora was a Founding Director of the Institute for Global Security Law and Policy at Case Western Reserve University School of Law. He has





published on legal aspects of counterterrorism and respect for human rights under the rule of international law, including *Constitutional Limits on Coercive Interrogation* (Oxford University Press 2008) and *Understanding Counterterrorism* (forthcoming, Aspen 2008). He authored *Global Perspectives on Counterterrorism* (Aspen 2007), the first casebook of its kind. Oxford University Press will publish Professor Guiora's forthcoming book *Freedom of/from Religion: Rights, Conflicts and Obligations—A Comparative Perspective: Israel, The Netherlands, Turkey, UK and U.S.* Before joining the legal academy, he served in the Judge Advocate General's Corps of the Israel Defense Forces (IDF), holding posts as Commander of the IDF School of Military Law, as Judge Advocate for the Navy and Home Front Command, and as Legal Advisor to the Gaza Strip Military Commander. Professor Guiora earned his J.D. from Case Law School.



**SAMUEL V. JONES — Assistant Professor, The John Marshall Law School**

Before joining the John Marshall faculty in 2007, Professor Samuel Jones was an assistant professor at Thurgood Marshall School of Law, Texas Southern University. Professor Jones is a retired United States Army Reserve Judge Advocate and former U.S. Marine. He has received numerous military awards and special assignments, including the Navy Meritorious Unit Citation for his actions as a Marine rifleman in the Navy SEAL counterterrorism program known as Red Cell. He is a graduate of the Army Judge Advocate General's School, the Army Military Police School, the Marines Leadership Development School, and the Marines School of Infantry. Professor Jones was a litigation associate with Hughes & Luce, L.L.P for several years and thereafter served as Senior Counsel for AT&T and as Corporate Counsel for labor and employment for Blockbuster, Inc. His scholarship focuses primarily on National Security Law, International Humanitarian Law, and Contract Law. He holds a J.D. *cum laude* from Texas Southern University, and an LL.M and Diploma in Foreign and Comparative Law from Columbia Law School.



**JOSEPH MARGULIES — Clinical Associate Professor of Law and Assistant Director, Roderick MacArthur Justice Center, Northwestern University School of Law**

Professor Margulies was counsel of record for petitioners in *Rasul v. Bush*, 542 U.S. 466 (2004), involving detentions at Guantánamo Bay, and *Munaf v. Geren*, 128 S. Ct. 2207 (2008), involving detentions at Camp Cropper in Iraq. He continues to play a leading role in coordinating litigation challenging the Bush Administration's post-9/11 detention policy. His book, *Guantanamo and the Abuse of Presidential Power* (Simon & Schuster 2006), won both the ABA Silver Gavel Award and the Scribes Award for 2007. Margulies joined the staff of the Texas Capital Resource Center, where he represented men and women on death row, after serving a federal district court clerkship in Chicago. In 1994, he entered private practice in Minneapolis, specializing in civil rights and capital defense. He was

the Distinguished Practitioner in Residence at Cornell University Law School in 2002. Professor Margulies joined the MacArthur Center in 2004. He earned a B.A. with distinction from Cornell University and a J.D. *cum laude* from Northwestern University.



**MARY ELLEN O'CONNELL — Robert and Marion Short Professor of Law, University of Notre Dame Law School**

Before joining Notre Dame, where she teaches contracts and international law, Professor O'Connell was the William B. Saxbe Professor of Law at The Ohio State University Moritz College of Law. A prolific author, her research focuses on international regulation of force and conflict, as well as peaceful resolution of disputes before escalating to armed conflict. As a history major at Northwestern University, Professor O'Connell won a Marshall Scholarship for graduate study in Britain. She earned a Master of Science degree in International Relations from the London School of Economics and an L.L.B. with First Class Honors from Cambridge University. She also holds a J.D. from Columbia University, where she was a Stone Scholar and book review editor for the *Columbia Journal of Transnational Law*. After practicing law in Washington, D.C., Professor O'Connell taught at Indiana University School of Law, The Bologna Center of The Johns Hopkins University, the Paul H. Nitze School of Advanced International Studies in Italy, the George C. Marshall European Center for Security Studies in Germany, and the University of Cincinnati College of Law.



**MICHAEL P. O'CONNOR — Associate Professor of Law, Phoenix School of Law**

Professor O'Connor has studied and written about terrorism and efforts to combat it since the late 1980s, living and conducting field research in Northern Ireland and the Mideast. His scholarship focuses on the intersection of law, violence, and human rights. With Celia Rumann, he co-authored *Into the Fire: How to Avoid Being Burned by the Same Mistakes Made Fighting Terrorism in Northern Ireland*, 24 *CARDOZO LAW REVIEW* 1657 (2003), and *Going, Going, Gone: Sealing the Fate of the Fourth Amendment*, 26 *FORDHAM INTERNATIONAL LAW JOURNAL* 1234 (2003), which addressed the dangerous relationship between FISA and the PATRIOT Act before the Bush Administration's surveillance policies became commonly understood. He is also a co-author of *Plowshares and Swords: The Economics of Occupation in the West Bank* (Beacon Press 1992). In addition to his academic pursuits, O'Connor has represented capitolly charged and convicted defendants throughout the United States. A member of Phi Beta Kappa, he graduated *summa cum laude* from Penn State University and earned his law degree in 1990 from Yale Law School.

# Symposium Speakers



**AMBASSADOR PIERRE-RICHARD PROSPER** — *Former U.S. Ambassador-at-Large, Office of War Crimes Issues, Office of the Secretary of State; Of Counsel, Arent Fox, LLP*

Before joining Arent Fox, LLP, Ambassador Prosper was the U.S. Ambassador-at-Large in charge of the Secretary of State's Office of

War Crimes Issues from July 2001 until October 2005. He was appointed in July 2001 by President George W. Bush and was unanimously confirmed by the Senate. Formerly, he was a trial attorney and war crimes prosecutor for the United Nations International Criminal Tribunal for Rwanda, and an Assistant U.S. Attorney, Narcotics Section, in the Central Division of California. He was a Harvard Law School Wasserstein Fellow in 2000-01. Ambassador Prosper's law practice centers on government relations and international trade issues, assisting clients in navigating the complex political and regulatory landscapes of foreign markets. He earned his J.D. from Pepperdine University School of Law in 1989 and a B.A. from Boston College in 1985. He is a 2000 recipient of the Pepperdine University School of Law Distinguished Alumnus Award and a 1999 recipient of the Boston College Alumni Award of Excellence.



**DEAN THOMAS J. ROMIG** — *Dean and Professor of Law, Washburn University School of Law; Major General (ret.), U.S. Army*

A native of Manhattan, Kansas, Dean Romig most recently served as deputy chief counsel for operations and Acting Chief Counsel for the Federal Aviation Administration. Prior to

joining the FAA, Dean Romig served four years as the 36th Judge Advocate General of the Army. He led and supervised an organization of more than 9,000 personnel comprised of 5,000 active and reserve military and civilian attorneys and more than 4,000 paralegal and support personnel spread throughout 328 separate offices in 22 countries. He oversaw a world-wide legal practice including civil and criminal litigation, international law, administrative law, labor and employment law, environmental law, claims, and ethics compliance. During his career, Dean Romig prosecuted felony and misdemeanor criminal cases in Texas and taught international law at the Judge Advocate General's School in Charlottesville, Virginia. His significant military positions included: Chief of Army Civil Law and Litigation and Chief of Military Law and Operations, both in Washington, D.C. His military legal assignments included Chief of Planning for the JAG Corps; Chief Legal Officer for Army Air Defense forces in Europe; and Chief Legal Officer for U.S. Army V Corps and U.S. Army forces in the Balkans. He received a bachelor's degree in social sciences from Kansas State University. He was commissioned through the Army ROTC program. After serving six years as a military intelligence officer, he was selected for the Army Fully Funded Law School program and graduated with honors from the Santa Clara University School of Law, where he served as an editor on the *Santa Clara Law Review* and as a member of the Honors Moot Court Board. Dean Romig's military service and leadership have earned him numerous decorations and badges. He retired from the Army JAG Corps in October 2005 after 34 years of service.



**GABOR RONA** — *International Legal Director, Human Rights First*

As the International Legal Director of Human Rights First, Gabor Rona advises Human Rights First programs on questions of international law and coordinates international human rights litigation. He also represents Human Rights First with governments, intergovernmental and non-governmental

organizations, the media and the public on matters of international human rights and international humanitarian law (the law of armed conflict). Before coming to Human Rights First, Gabor was a Legal Advisor in the Legal Division of the International Committee of the Red Cross (ICRC) in Geneva. At the ICRC he focused on the application of international humanitarian and human rights law in the context of counter-terrorism policies and practices. He represented the ICRC in intergovernmental, nongovernmental, academic and public forums and his articles on the topic have appeared in the *Financial Times*, the *Fletcher Forum on World Affairs*, and the *Chicago Journal of International Law*, among other publications. In addition, he represented the ICRC in connection with the establishment of international and other criminal tribunals, including the International Criminal Court. He has also taught International Humanitarian Law and International Criminal Law in several academic settings, including the International Institute of Human Rights in Strasbourg, France and the University Centre for International Humanitarian Law in Geneva, Switzerland.



**CELIA RUMANN** — *Associate Professor of Law, Phoenix School of Law*

Celia Rumann has divided her professional time between teaching and researching in the areas of human rights and methods used to combat terrorism, such as torture, and working as an assistant federal public defender.

She authored *Tortured History: Finding our Way Back to the Lost Origins of the Eighth Amendment*,

31 PEPPERDINE LAW REVIEW 661 (2004). With Michael O'Connor, she co-authored *Into the Fire: How to Avoid Being Burned by the Same Mistakes Made Fighting Terrorism in Northern Ireland*, 24 CARDOZO LAW REVIEW 1657 (2003), which examined Great Britain's use of torture, detention without trial, and other abusive interrogation procedures in Northern Ireland. Also with Michael O'Connor, she co-authored *Going, Going, Gone: Sealing the Fate of the Fourth Amendment*, 26 FORDHAM INTERNATIONAL LAW JOURNAL 1234 (2003), which addressed the erosion of the Fourth Amendment by the actions of the FISA courts under the PATRIOT Act. Professor Rumann received her law degree from the University of San Diego.



**PHILIPPE SANDS** — *Professor of Law and Director, Centre on International Courts and Tribunals, University College of London*

Professor Sands directs the Project on International Courts and Tribunals, which seeks to promote international peace through international justice and the rule of law and





to enhance the effectiveness of international courts and tribunals. He has authored two books on the U.S. War on Terrorism: *Torture Team: Rumsfeld's Memo and the Betrayal of American Values* (Palgrave Macmillan 2008) and *Lawless World: America and the Making and Breaking of Global Rules from FDR's Atlantic Charter to George W. Bush's Illegal War* (Viking 2005). His teaching areas include Law & Policy of International Courts and Tribunals, Public International Law, and International Dispute Resolution. Professor Sands is a regular commentator on the BBC and CNN and writes frequently for leading newspapers. In 2003, he was appointed a Queen's Counsel. As a practicing barrister, he has extensive experience litigating cases before the International Court of Justice, the International Tribunal for the Law of the Sea, the International Center for the Settlement of Investment Disputes, and the European Court of Justice. He frequently advises governments, international organizations, NGOs, and the private sector on aspects of international law.



**CHARLIE SAVAGE — Washington correspondent for the New York Times**

Pulitzer Prize-winning journalist Charlie Savage graduated *summa cum laude* from Harvard College in 1998. He later earned a master's degree from Yale Law School while on a Knight Foundation journalism fellowship. Savage began his career with the *Miami Herald*

as a reporter on local government and politics. He covered national legal affairs for the *Boston Globe* from 2003 to 2008 before moving to the *New York Times*. Savage's work on the Bush-Cheney Administration's efforts to expand presidential power has been widely recognized. His articles in the *Boston Globe* earned him the Pulitzer Prize for National Reporting, the American Bar Association's Silver Gavel Award, and the Gerald R. Ford Prize for Distinguished Reporting on the Presidency. Savage's book about the growth of executive power, *Takeover: The Return of the Imperial Presidency and the Subversion of American Democracy* (Little, Brown & Co. 2007), was named one of the best books of 2007 by both *Slate* and *Esquire*. The book also received the Award for Constitutional Commentary by the bipartisan Constitution Project and the New York Public Library's Helen Bernstein Book Award for Excellence in Journalism.



**ROBERT F. TURNER — Professor, General Faculty, and Associate Director, Center for National Security Law, University of Virginia School of Law**

Professor Turner co-founded the Center for National Security Law in 1981 and currently serves as Associate Director. He held the Charles H. Stockton Chair of International

Law at the U.S. Naval War College in 1994-95. After two Army tours in Vietnam, he was a Research Associate and Public Affairs Fellow at Stanford's Hoover Institution on War, Revolution, and Peace, and for five years served as the national security adviser to Senator Robert P. Griffin. He also served as Special Assistant to the Under Secretary of Defense for Policy, as Counsel to the Presi-

dent's Intelligence Oversight Board, as Acting Assistant Secretary of State for Legislative Affairs, and as the first President of the United States Institute of Peace. Turner chaired the ABA Standing Committee on Law and National Security for three terms and served as editor of the ABA *National Security Law Report* for many years. He earned both his J.D. and S.J.D. from the University of Virginia School of Law.



**SEAN WATTS — Assistant Professor of Law, Creighton University School of Law**

Professor Watts teaches Military Law, Post-Conviction Relief, and Constitutional Law. Before joining the faculty of Creighton University School of Law in 2007, he was an Associate Professor of International Law at The Judge Advocate General's School and a

Lecturer at the University of Virginia School of Law. Professor Watts served as a Judge Advocate General in the United States Army from 1999-2007. He was selected to attend law school under the Army's Funded Legal Education Program after serving as a Regular Armor Officer in an Army Tank Battalion. Professor Watts earned an LL.M. from The Judge Advocate General's School in 2004, a J.D. from William & Mary School of Law in 1999, and a B.A. in International Affairs from the University of Colorado in 1992. He was a Notes Editor with the *William & Mary Law Review*.



**NOAH S. WEISBORD — Visiting Assistant Professor of Law, Duke University School of Law**

Professor Weisbord's primary research interest is in the field of international criminal justice. Prior to assuming his current post at Duke Law School, he was law clerk to Chief Prosecutor Luis Moreno-Ocampo at the International Criminal Court in The Hague. As a student, Professor Weisbord traveled to Rwanda to study gacaca— community-based genocide trials inspired by an indigenous justice tradition. He wrote two masters' dissertations on the tension between the values of justice and healing within the gacaca process. Professor Weisbord is currently a delegate to the Special Working Group on the Crime of Aggression established by the Assembly of States Parties to the International Criminal Court. Representative publications include "A Dilemma in Northern Uganda; When Peace and Justice Clash," an op-ed in *The International Herald Tribune*; "Traditional Justice for a Genocide: Trials in Rwanda," also published in *The International Herald Tribune*; and "Prosecuting Aggression," published in the Winter 2008 issue of the *Harvard International Law Journal*, which forecasts prosecutorial challenges under competing formulations of the definition of the crime of aggression. Professor Weisbord has nearly completed "Conceptualizing Aggression," the next article in his series on the crime of aggression.

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