

LOYOLA UNIVERSITY CHICAGO
SCHOOL *of* LAW



INTERNATIONAL LAW REVIEW SYMPOSIUM 2011

The Laws of War:

International Conflict
and the Global War on Terror

PHILIP H. CORBOY LAW CENTER • POWER ROGERS & SMITH COURTROOM

8:30 AM—3:30 PM • FRIDAY, FEBRUARY 25, 2011

Symposium Editor: Leslie Gutierrez

SYMPOSIUM AGENDA

FRIDAY, FEBRUARY 25, 2011

8:30-8:50 AM • *Continental Breakfast*

8:50-9 AM • *Opening Remarks*

Margaret L. Moses
Loyola University Chicago School of Law

9-9:30 AM • *Keynote Address*

Michael Newton
Vanderbilt University Law School

9:30-11 AM • *Panel #1*

**Methods of Warfare and
Peacekeeping, the Proliferation
of Piracy, and the International
Response**

- **Kateri Carmola**
Middlebury College
- **Raul Pedrozo**
U.S. Naval War College
- **Thomas Nichols**
U.S. Naval War College
- **Brian Wilson**
*Global Maritime Operational Threat
Response Coordination Center*

11-11:15 AM • *Break*

11:15 AM-12:30 PM • *Panel #2*

**The Global War on Terror:
Approaches, Issues and Responses**

- **Thomas Haney**, *moderator*
Loyola University Chicago School of Law
- **Paul Diehl**
University of Illinois at Urbana-Champaign
- **Robert Turner**
University of Virginia School of Law
- **Frédéric Mégret**
McGill University

12:30-2 PM • *Luncheon Keynote Address
(Power Rogers and Smith Ceremonial
Courtroom)*

- **Commander James Kraska**
U.S. Naval War College

2-3:30 PM • *Panel #3*

**Debate: The Targeted Killing of
Anwar al-Awlaki**

- **Michael Zimmer**, *moderator*
Loyola University Chicago School of Law
- **Michael Lewis**
*Ohio Northern University
Claude W. Pettit College of Law*
- **Lesley Wexler**
*University of Illinois Urbana-Champaign
College of Law*

Topic: Anwar al-Awlaki, a dual citizen of the United States and Yemen, is known for being a leader of al Qaeda and for planning many of the recent and highly public terrorist attacks, including the Christmas Day bombing attempt in Detroit and the attempted bombing in Times Square, New York City. Al-Awlaki poses a significant threat to American lives and to national security. He currently resides in Yemen, a country without an extradition treaty with the U.S. and with a constitution forbidding the extradition of any Yemeni national to be tried abroad. President Obama has authorized the targeted killing of al-Awlaki, an extremely rare if not unprecedented move by the government against an American citizen. In response, the American Civil Liberties Union filed suit enjoining the government from targeting him, arguing that such an action would violate his constitutional rights as an American citizen. The suit was recently dismissed by a District Court judge. How should the U.S. handle Anwar al-Awlaki in its efforts to protect national security?

KEYNOTE SPEAKERS

MICHAEL NEWTON is a professor of law at the Vanderbilt University Law School. He specializes in accountability and conduct of hostilities issues. Professor Newton has served on the American Society of International Law Task Force on U.S. Policy toward the International Criminal Court and in an experts group in support of the Task Force on Genocide Prevention, and has acted as senior advisor to the U.S. ambassador-at-large for war crimes issues in the U.S. Department of State. He has also done extensive work with the International Criminal Court and the International Criminal Tribunal for Yugoslavia. Professor Newton holds JD and LLM degrees from the University of Virginia School of Law, an LLM degree from the Judge Advocate General's School, and a BS degree from the U.S. Military Academy at West Point.

COMMANDER JAMES KRASKA is the Howard S. Levie Chair of Operational Law at the U.S. Naval War College in Newport, R.I. He specializes in the intersection between international law and international relations and teaches courses in international law, the law of armed conflict, and oceans law and policy. Additionally, Commander Kraska holds appointments as a senior fellow at the Foreign Policy Research Institute and as a guest investigator at the Marine Policy Center in Massachusetts. Commander Kraska holds an SJD degree from the University of Virginia, a JD degree from Indiana University, an LLM degree in international law from the University of Virginia, an MA degree in defense and foreign policy from Claremont College, and a diploma from the College of Naval Command and Staff at the U.S. Naval War College.

PANELISTS

KATERI CARMOLA is a C.A. Johnson Fellow in Political Philosophy at Middlebury College in Middlebury, Vt. She has been an assistant professor of political science at the college since 2001 and teaches courses focused on warfare, human rights, and political philosophy while focusing on the use of private security contractors in warfare. Professor Carmola is also the author of *Private Security Contractors and New Wars: Risk, Law, and Ethics* (Routledge, 2010), as well as articles on the use of proxy forces in Afghanistan and the changing idea of "proportionality" in warfare. She holds a PhD degree from the University of California-Berkeley, where she also held a post-doctoral fellowship, and completed her undergraduate work at the University of Chicago.

PAUL F. DIEHL is the Henning Larsen Professor of Political Science at the University of Illinois at Urbana-Champaign. Professor Diehl specializes in the causes of war, U.N. peacekeeping, and international law. He also serves as director of the Correlates of War Project, the largest data collection effort on international conflict in the world. Professor Diehl has written numerous books on international law, interstate conflict, and peacekeeping. He was also the 1998 recipient of the Karl Deutsch Award, given by the International Studies Association to the leading young scholar on peace and conflict issues, and served as president of the Peace Science Society (International). He holds a PhD degree in political science from the University of Michigan and has also held teaching positions at the University of Georgia and SUNY-Albany.

PANELISTS, CONTINUED

MICHAEL LEWIS is an associate professor of law at Ohio Northern University Claude W. Pettit College of Law. Professor Lewis teaches commercial law, international law, corporate finance, and a laws of war seminar and has published numerous articles on the laws of war and terrorism. Prior to law school, he flew fighter jets for the U.S. Navy in Operation Desert Shield, conducted strike planning in Desert Storm, and was deployed to the Persian Gulf to enforce the no-fly zone over Iraq. After law school, he was a management consultant with McKinsey and Company and served as a litigation associate with McGuireWoods LLP in Virginia before joining the Ohio Northern faculty. Professor Lewis holds a JD degree from Harvard Law School and a BA degree from Johns Hopkins University.

FRÉDÉRIC MÉGRET is an assistant professor of law at McGill University in Montreal, Quebec; the Canada Research Chair on the Law of Human Rights and Legal Pluralism; and director of the McGill Clinic for the Sierra Leone Special Court. He specializes in international law, the laws of war, and international relations. Professor Mégret has worked for the International Committee of the Red Cross, assisted the defense counsel of one of the accused before the International Criminal Tribunal for Rwanda, and served as a member of the French delegation at the Rome Conference that created the International Criminal Court. He holds a PhD degree from the University of Geneva and Université Panthéon-Sorbonne, a diploma in advanced studies in international public law and international organisations law from the Université Panthéon-Sorbonne, and an LLB degree from King's College, London.

THOMAS M. NICHOLS is a professor of national security affairs in the National Security Decision Making Department of the U.S. Naval War College, where he is also the course director for security,

strategy, and forces. Prior to joining the Naval War College, Professor Nichols taught international relations and Soviet/Russian affairs at Dartmouth College and Georgetown University. He has served as personal staff for defense and security affairs in the U.S. Senate to the late Sen. John Heinz of Pennsylvania. Professor Nichols is also a five-time undefeated *Jeopardy!* champion. He holds a PhD degree from Georgetown University, an MA degree from Columbia University, the certificate of the Herriman Institute for advanced study of the Soviet Union at Columbia University, and a BA degree from Boston University.

RAUL (PETE) A. PEDROZO is a member and associate professor of the U.S. Naval War College's International Law Department in the Center for Naval Warfare Studies. Professor Pedrozo served 33 years of active duty in the U.S. Navy. He also acted in a number of key operational and international law positions, including advising senior military and civilian leaders of the Department of Defense. He was previously the staff judge advocate to the commander, U.S. Pacific Command, a special assistant to the under secretary of defense for policy, and the head of the Navy's International and Operational Law Division. Professor Pedrozo holds a BS degree from Eastern Kentucky University, a JD degree from the Ohio State University College of Law, and an LLM degree from the Georgetown University Law Center.

ROBERT F. TURNER has served in the White House as counsel to the President's Intelligence Oversight Board, acting as assistant secretary of state for legislative affairs, and as the first president of the United States Institute of Peace. A Vietnam veteran and former Charles H. Stockton Professor of International Law at the Naval War College, Professor Turner served 3 terms as chairman of the ABA Standing Committee on Law and National

PANELISTS, CONTINUED

Security. He has written or edited more than 15 books, including co-editing the 1200-page casebook National Security Law. He has testified before more than a dozen different congressional committees. He received his JD and SJD from the University of Virginia School of Law, where in 1981 he co-founded the Center for National Security Law.

LESLEY WEXLER is a professor of law at the University of Illinois Urbana-Champaign. Her area of expertise is the intersection of social norms and international law. Prior to joining the University of Illinois, Professor Wexler taught courses in torts, employment, discrimination, international law, and the laws of war at Florida State University College of Law. She has also taught at the University of Chicago Law School as a Harry A. Bigelow Law Fellow. In her earlier career, Professor Wexler clerked for the Honorable Thomas Reavley in the U.S. Court of Appeals for the Fifth Circuit and the Honorable William Wayne Justice in the Eastern District of Texas. She holds a JD degree from the University of Chicago Law School and a BA degree from the University of Michigan.

BRIAN WILSON is deputy director of the Global Maritime Operational Threat Response Coordination Center in Washington, D.C., and an adjunct professor at the U.S. Naval Academy. As deputy director, he is responsible for facilitating the development of interagency-approved courses of action in response to threats against the U.S. and its interests in the maritime domain. Mr. Wilson previously served active duty in the U.S. Navy for 21 years before retiring as a captain. He has written numerous articles and book chapters on health care law, energy security, oceans law and policy, maritime security, and diplomacy that have appeared in law journals throughout the country. Mr. Wilson holds degrees from Florida State University, the University of Florida, George Washington University, and the U.S. Naval War College.

MODERATORS

THOMAS HANEY is a professor of law at Loyola University Chicago School of Law, where he served as associate dean from 1984-2005. He has practiced both in a large Chicago law firm and as a partner in a small pro bono firm, served as counsel for the international division of a major corporation, taught graduate and undergraduate courses in the Loyola School of Business Administration, and studied Mexican law at the Universidad Nacional Autonoma de Mexico. He joined the School of Law in 1975. Professor Haney served as a member of the Illinois Task Force on Gender Bias in the Courts, and for many years was a member of the Skills Training Committee of the American Bar Association Section of Legal Education. He was a cofounder of Loyola's summer law program in Rome.

MICHAEL ZIMMER joined Loyola's full-time law faculty in July 2008 from Seton Hall University Law School, where he had been a member of the law faculty since 1978. Professor Zimmer received his AB and JD degrees from Marquette University and an LLM degree from Columbia University, where he was named a James Kent Fellow. Following law school, he clerked for the Honorable Thomas E. Fairchild of the U.S. Court of Appeals for the Seventh Circuit and then served as an associate at Foley and Lardner in Milwaukee. A widely recognized scholar in the areas of employment discrimination law, labor and employment law, and constitutional law, Professor Zimmer is coauthor of one of the first and still the leading employment discrimination casebooks, as well as coauthor of the first casebook on international and comparative employment law. He has also published many articles in leading law journals.

ABOUT THE SYMPOSIUM

This symposium and workshop will center on the modern laws of war and how they intersect with current methods of warfare and the war on terrorism. The focus will be on balancing issues of human rights and national security, and on how the international community attempts to regulate warfare. The symposium will feature distinguished practitioners and scholars from a variety of backgrounds presenting their ideas about and experiences with international law.

REGISTRATION INFORMATION

Loyola University Chicago School of Law is pleased to present this important symposium at no charge for Loyola students and faculty as well as professionals and scholars not seeking CLE credit. For those who wish to obtain credit, registration fees are \$184, or \$150 for alumni. There is no charge for CLE credit for current School of Law faculty, staff, or students, and a 50% fee reduction is offered for attorneys working in the areas of government or public interest.

Seating is limited and registration is appreciated. Open seating will be available on a first-come basis to those who do not register. To register, please email Leslie Gutierrez at lgutierrez@luc.edu.

This program has been approved by the Illinois MCLE Board for 6.25 hours of General MCLE credit.

ABOUT THE INTERNATIONAL LAW REVIEW

The *Loyola University Chicago International Law Review* is a semiannual journal that focuses on topical issues in both international and comparative law. The journal is directed to students, academics, and practitioners in the legal community, and contributes to the general body of knowledge through articles on important legal and social developments. Loyola law students edit, manage, and publish the journal, including the yearly symposium issue in which established scholars and practitioners contribute articles focusing on a contemporary issue in international law, such as world trade law or international environmental law.

For more information, please visit LUC.edu/law/ilr2011 or contact Symposium Editor Leslie Gutierrez at lgutierrez@luc.edu.

