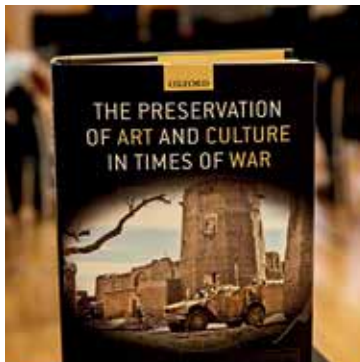




Center for Ethics
and the Rule of Law
UNIVERSITY of PENNSYLVANIA

ANNUAL REPORT



2022 - 2023



ANNUAL REPORT 2022-2023

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Front cover: Top row (left to right): CERL’s Prof. Claire Finkelstein; *The Preservation of Art and Culture in Times of War* (Oxford University Press, 2022); Prof. Mary McCord; Dr. Susan Weiss and Dr. Jamie Metz; Middle row (left to right): “Beyond Guantánamo: Restoring the Rule of Law to the Law of War” (CERL-APPC Publication); Secretary Jeh Johnson; General James Cartwright and Dr. Laura Cabrera; Bottom row: “Should We Create Gods of War?” (Photo credit: Annenberg School for Communication, University of Pennsylvania; Rosie Simmons Photography; and Natalie Serwan Photography) February 2024

ABOUT CERL

CERL is a non-partisan, interdisciplinary institute dedicated to preserving and promoting ethics and the rule of law in national security, warfare, and democratic governance. Affiliated with the Annenberg Public Policy Center at Penn, CERL draws from the study of law, philosophy, and ethics to answer the difficult questions that arise in times of war and contemporary transnational conflicts.

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

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

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



"The Ethical and Legal Significance of Super Soldiers," co-sponsored by CERL, APPC, and the University of Massachusetts Lowell, April 13-15, 2023



LETTER FROM FACULTY DIRECTOR

January 2024

Dear Friends of CERL:

We are pleased to present the annual report for the 2022-2023 academic year. Recent events remind us of the critical importance of CERL's work upholding and defending the rule of law in transnational conflict, national security, and democratic governance. The illegal attack by Hamas on Israel launched a war that has claimed thousands of innocent lives and worsened an existing humanitarian crisis in Gaza. The war in Ukraine, in which over five million people have been displaced from their homes and missile and rocket attacks continue to put civilians, infrastructure, and democratic institutions at grave risk, continues unrelentingly. Russia shows no signs of backing off its illegal incursion into Ukraine while daily revelations of war crimes continue apace.



Domestically, a former U.S. president has been indicted on two sets of federal criminal charges and two set of state law violations, and yet he remains the Republican frontrunner for his party's presidential nomination. At the same time, a state's highest court has declared that he is not eligible to serve as president, given his role in fomenting insurrection.

To meet these challenges in the law of armed conflict as well as in domestic constitutional principles, it is critical to guide policymakers and raise public consciousness on vital ethical and rule of law issues. CERL remained fiercely committed to this mission, and its broader mandate of preserving and promoting the rule of law in national security, warfare, and democratic governance, during the 2022-23 academic year.

CERL hosted several workshop-style conferences on topics as wide-ranging as the threat of domestic violent extremism to U.S. national security, the ethical and legal significance of "super soldiers," and how to forestall the use of nuclear weapons in Ukraine. Public programming included a panel on the COVID origins debate, as well as book talks with distinguished authors on such issues as preserving cultural heritage in times of war, presidential powers, and the U.S. Senate's obligation to uphold democratic norms against the tides of authoritarianism.

The center was particularly proud to partner with the Annenberg Public Policy Center (APPC) on publishing a report by over 30 military, legal, and ethics experts detailing a legal blueprint for shuttering the U.S. detention facility at Guantánamo Bay. Members of the working group that penned the report discussed their findings in a panel discussion at the National Press Club in Washington, D.C. and met with staff members of the Senate and House Judiciary Committees.

As part of its ongoing *Ethics, National Security, and the Rule of Law* series with Oxford University Press, CERL was pleased to publish three edited volumes: *The Preservation of Art and Culture in Times of War*, *Between Crime and War: Hybrid Legal Frameworks for Asymmetric Conflict*, and *Ethical Dilemmas in the Global Defense Industry*. Each was the product of the expertise of its contributors and their robust discussions at CERL conferences.

This past summer, CERL welcomed 13 talented students from diverse disciplines and institutions, including Penn Undergrad and Penn Law, to conduct legal research, draft white papers, and shape programming in areas such as the Department of Defense's (DOD) Program for Civilian Harm Mitigation and Response Action Plan (CHMR-AP), civic education and the U.S. military, presidential war powers, and renewal of Section 702 of FISA. As always, CERL is proud to create opportunities for students interested in the national security field to cultivate a strong and clear sense of ethics and the rule of law.

We express our sincerest thanks to APPC for its generous operational, administrative, and financial support, to the donors and Executive Board members that help sustain the important work of the center, and to CERL's friends and affiliates for their continued support of our programming and publications. We look forward to continuing to engage with you and advance our mission in the next academic year.

Sincerely,

Claire Finkelstein
Faculty Director



LETTER FROM BOARD CHAIR

January 2024

Dear Friends:

I am honored to serve as the chair of the CERL Executive Board, a position I eagerly accepted in May 2022 at the end of my 20-year tenure as a senior employee at the Open Society Foundation. This last academic year has only underscored the vital role CERL plays in preserving and promoting the rule of law.



I continue to be struck by how threats to democracy have intensified in the new millennium. Here in the United States and around the globe, democratic systems are under challenge from authoritarian leaders who peddle misinformation and embrace divisive rhetoric. A poll conducted in December 2023 by the Washington Post/University of Maryland (Post-UMD) shows the continuing refusal of approximately one-third of U.S. adults to accept the results of the 2020 presidential election over three years later. Attempts like these to undermine the democratic norms that underpin our country's governance must be resisted, and CERL will do its part.

In response to the Hamas attack on Israel, the CERL Executive Board issued a rare public statement. The statement condemned the illegal terrorist attack and asserted that Israel has the right to defend its borders. The Board noted that "all states must exercise this right consistent with the dictates of international humanitarian law." CERL has contributed to the public debate on this important topic by hosting weekly webinars presenting diverse views on the legal dimensions of the conflict.

Ukraine is still at the frontline of a struggle to defend democracy and freedom against authoritarian powers that grossly exceed the bounds of lawful military force. Those guilty of these atrocities must be held to account. CERL's 2022-2023 calendar featured several high-level workshops on issues relating to the Russia-Ukraine war, including how to forestall the use of nuclear weapons.

Since its inception, CERL has guided policymakers and raised public consciousness on vital ethical and rule of law issues through a nonpartisan and interdisciplinary lens. This past academic year, the center produced a 197-page report on the closure of the Guantánamo Bay detention facility, written by over 30 military, legal, and ethics experts, as well as hosted timely workshops on such topics as the threat of domestic violent extremism to U.S. national security and the ethical and legal significance of super soldiers. More recently, the center produced programming on the renewal of the Foreign Intelligence Surveillance Act (FISA).

I am pleased to chair the board of an organization that is dedicated to deepening both expert and public awareness of ethical and rule of law values in national security, warfare, and democratic governance. I hope you will continue to support the center's efforts as we embark on new and ongoing projects to defend the rule of law in the next academic year. As always, we thank you for your support.

Sincerely,

Morton H. Halperin
Chair
Executive Board

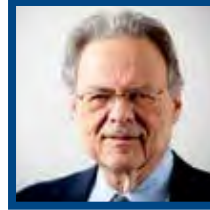
EXECUTIVE BOARD

The Executive Board, Affiliated Faculty, Advisory Council, and CERL Team pages reflect current membership and staffing and do not necessarily represent the membership and staffing from the 2022-2023 academic year.



CLAIRE FINKELSTEIN

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



MORTON HALPERIN

CERL Board Chair



JOHN BAKER

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



VIVIAN BERGER

Professor Emerita, Columbia Law School; Mediator and Arbitrator



SEAN CARTER

Member, Cozen O'Connor



JAMES CARTWRIGHT

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



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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

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



KEVIN GOVERN

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



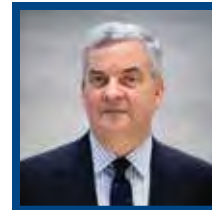
ROBERT KELNER

Partner, Covington & Burling LLP



DUNCAN MACINTOSH

Professor of Philosophy, Dalhousie University



ALBERTO MORA

Immediate past Associate Executive Director for Global Programs, American Bar Association



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

Visiting Professor of Law, Temple University Beasley School of Law; 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, U.S. Army (Ret.); President & CEO, Business Executives for National Security (BENS)



PAUL WELSH

Vice President, Analytical Graphics, Inc.



STEPHEN XENAKIS, M.D.

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



JULES ZACHER

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



MARK ZAID

Managing Partner, Mark S. Zaid, PC



**JAMES CLAPPER
EXECUTIVE BOARD
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fmr Director of National Intelligence



**DELL DAILEY
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**PAUL HAAGA, JR.
EXECUTIVE BOARD
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fmr Chair, Capital Research and Management Company



**ELIZABETH RINDSKOPF PARKER
BOARD EMERITA**

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

AFFILIATED FACULTY



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



MITCHELL BERMAN

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



WILLIAM BURKE-WHITE

Professor of Law, University of Pennsylvania Carey Law School



RANGITA DE SILVA DE ALWIS

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



STUART DIAMOND

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



WILLIAM EWALD

Professor of Law and Professor of Philosophy, University of Pennsylvania



ERIC FELDMAN

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



MICHAEL HOROWITZ

Director of Perry World House and Richard Perry Professor [On Service Leave], University of Pennsylvania



FIROOZEH KASHANI-SABET

Walter H. Annenberg Professor of History, University of Pennsylvania



KIMBERLY KESSLER FERZAN

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



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



LYNN MESKELL

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



JONATHAN MORENO

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



ERIC ORTS

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



KERMIT ROOSEVELT

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



BETH SIMMONS

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



ROGERS SMITH

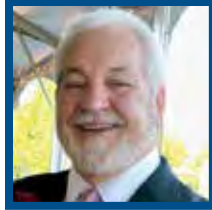
Professor Emeritus, University of Pennsylvania

ADVISORY COUNCIL



GEOFFREY CORN

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



GEORGE CRONER

Senior Fellow, Foreign Policy Research Institute



MARK FALLON

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



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

Partner, Fluet PLLC



VIJAY KUMAR

Nemirovsky Family Dean of Penn Engineering, University of Pennsylvania



MARTIN LEDERMAN

Professor from Practice, Georgetown University Law Center



SHARON LLOYD

Professor of Philosophy, Law, and Political Science, University of Southern California



JEFF MCMAHAN

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



STEPHEN SHELLER

Founding Partner, Sheller, P.C.

THE CERL TEAM



CLAIRE FINKELSTEIN

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



DAVID JOANSON

Executive Director



JENNIFER COHEN

Director of Engagement



KATHRYN STELLATO

Center Coordinator

Fellows



**RAMATOULIE ISATOU
JALLOW**

*CERL-APPC Mary Frances
Berry Postdoctoral Fellow*



KYLE BROWN

*Visiting Fellow
Major, U.S. Army
University of Pennsylvania
Philosophy Department (M.A. '24)*



ILYA RUDYAK

Nonresident Senior Fellow

DEVELOPMENTS

EXECUTIVE BOARD

CERL welcomed three new distinguished members to its Executive Board: General James E. Cartwright, Gary A. Deutsch, Esq., and Mark S. Zaid, Esq. General James Cartwright retired from active duty on 1 September 2011, after 40 years of service in the United States Marine Corps. He served as Commander, U.S. Strategic Command, before being nominated and appointed as the 8th Vice Chairman of the Joint Chiefs of Staff, the nation's second highest military officer. Gary A. Deutsch is managing chief counsel for PNC Bank, N.A., the seventh largest bank in the United States. He leads the litigation group supporting PNC's retail lending division, one of the nation's top consumer lenders and servicers. Mark S. Zaid, Esq., is a Washington, D.C.-based attorney who specializes in crisis management and innovatively handling simple and complex administrative and litigation matters primarily relating to national security, international law, foreign sovereign and diplomatic immunity, and the Freedom of Information and Privacy Acts.



General James Cartwright



Gary A. Deutsch, Esq.



Mark S. Zaid, Esq.

FELLOW

CERL extends a warm welcome to Ramatoulie Isatou Jallow. As the 2023-2024 Mary Frances Berry Postdoctoral Fellow, Ramatoulie will produce reports on a variety of topics relating to civic education in the military and other national security and democratic governance matters. She is a national security practitioner and attorney from Botswana, the Gambia, and the United States specializing in human rights, democratization, armed conflict, conflict prevention, transitional justice, countering violent extremism, and strategic impact litigation.



Ramatoulie Isatou Jallow

CERL MOURNS DEATH OF HON. HAROLD BERGER

CERL mourns the death of the Honorable Harold Berger (EE'48, L'51), an esteemed lawyer and engineer who served on the CERL Executive Board for many years. Judge Berger passed away on August 26, 2023, at the age of 98.

Judge Berger was a beloved member of the Penn community. A graduate of both the engineering and the law schools at Penn, he served on the Board of Overseers of Penn's School of Engineering and Applied Science and as Chair of the Friends of Penn's Biddle Law Library in addition to his engagement with CERL.

"Harold was a warm, enthusiastic member of the CERL Board, who was always so proud of the work we were doing and eager to broaden CERL's reach across the University," said CERL Faculty Director Claire Finkelstein. "His encouragement of our efforts and the delight he took in CERL's accomplishments helped keep the center going over the years. Harold will be greatly missed."

"He felt grateful for the path his Penn education enabled," said CERL Executive Board Member William Craven. "Quiet, upbeat, and unassuming, Berger was a delightful person."

Judge Berger played an energetic role in helping CERL organize a conference on the weaponization of outer space, held in 2018. "Harold, in conjunction with Analytical Graphics Incorporated (AGI), were the generous sponsors of that conference, and their sage advice and engagement made it the success it was," remembers Prof. Finkelstein.

Penn Biddle Library's Berger Law collection—a foremost collection of scholarship and treatises on aerospace law—was generously established by Judge Berger in memory of his parents, Anna and Jonas Berger.

Judge Berger was Of Counsel and Executive Shareholder Emeritus of the Philadelphia-based law firm Berger and Montague, P.C. Previously, he served as Judge of the Court of Common Pleas of Philadelphia, Chairman of the Federal Bar Association's National Committee on the Federal and State Judiciary, and Chair of the Aerospace Law Committees of the American, Federal and Inter-American Bar Associations.

He received in 2019 the inaugural Lifetime Commitment Award of Penn Law in recognition of his commitment to the legal community, as demonstrated by his membership on CERL's Executive Board and his National Lifetime Achievement Award from *Marquis Who's Who in America* and *Marquis Who's Who in American Law*. In 2021, Judge Berger was awarded a Special Philadelphia City Council Resolution recognizing his many achievements in public service, academia, and the national legal community.

"I was so pleased when Judge Berger joined the CERL Board, because I was very familiar with his work in the Jewish community, and I was confident that he would bring to CERL the same leadership qualities and commitment," said CERL Executive Board member Arlene Fickler. "A long-time board member of the Hebrew Immigrant Aid Society



Judge Harold Berger at CERL's Weaponization of Outer Space Conference (2018)

Pennsylvania, Harold was a leader in funding annual book awards to young immigrant college students. He also created an innovative program at the Jewish Learning Venture that helps area synagogues develop programs to attract young families and build membership. He will be missed.”

In his early life, Judge Berger served in the U.S. Army. “After World War II, Berger accompanied captured (and recruited) Nazi scientists from Germany to the United States at Fort Bliss,” recounts Craven. “Many of these scientists were secretly transferred to the United States beginning in 1945 and through the mid-50s through ‘Operation Paperclip.’ Many of these scientists were later transferred to Huntsville’s Redstone Arsenal and created the U.S. rocket program.”



From left: Prof. Claire Finkelstein and Judge Harold Berger

CERL extends its heartfelt condolences to the family and friends of Judge Berger. May his legacy of service, scholarship, and legal excellence continue to shape present and future generations.

His obituary can be found here:
<https://www.legacy.com/us/obituaries/name/hon-harold-berger-berger-obituary?id=52961978>



Bottom row left to right: Mr. Bill Craven, Judge Harold Berger, Prof. Claire Finkelstein, Arlene Fickler, Esq., Mr. David Sadoff; Top row left to right: Mr. Paul Haaga Jr., Brig. Gen. (Ret.) Stephen Xenakis, M.D., Prof. Kevin Govern, Prof. Duncan MacIntosh, Prof. Christopher Morris

CERL HONORS THE LIFE AND LEGACY OF MAJOR IAN FISHBACK

Major Ian Fishback was laid to rest on August 8, 2023, in Arlington National Cemetery with full military honors. Ian was a valued member of the CERL community and participated in several CERL events and activities over the years. He died on November 19, 2021, at an adult foster care facility in Bangor, Michigan.

Ian graduated from the United States Military Academy in 2001, serving four combat tours of duty, two with the 82nd Airborne and two with the Fifth Special Forces Group. His culminating assignment, teaching at the U.S. Military Academy at West Point prior to his retirement in 2014, was a bridge to civilian academia. He gained prominence in 2005 when he reported systematic detainee abuse in Iraq to Senator John McCain's office. These allegations ultimately led to the bipartisan passage—by a vote of 90 to 9—of the Detainee Treatment Act of 2005. Later Ian's work spurred collaboration between Senator McCain and Senator Diane Feinstein who together sponsored the McCain-Feinstein Amendment, which effectively outlawed torture by permanently tying permissible



Major Ian Fishback in conversation at a dinner hosted by CERL as part of its conference, "The Weighing of Lives in War: Combatants and Civilians in the Jus in Bello" (2014)

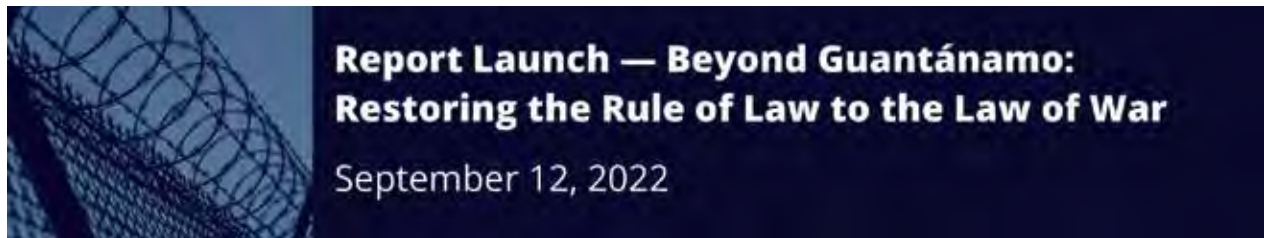
interrogation techniques to the Army Field Manual. In a speech on the floor of the Senate in 2021, Senator Dick Durbin referenced Ian's collaboration with Senator McCain, calling Ian a "hero" and an "American patriot." After separating from the military, Ian went on to receive his Ph.D. in Philosophy from the University of Michigan in 2021.

"Ian's indefatigable campaign against torture was the product of his demand for integrity in the armed services and in the country at large," said Faculty Director Claire Finkelstein, who first met Ian in 2013 and welcomed him to join CERL's events and programming. "He had zero tolerance for hypocrisy and constantly demanded that the United States live up to its highest values and most noble

rhetoric. His greatest accomplishment lay in inspiring bipartisan recognition of the critical importance of the humane treatment of detainees. The impact of his work reverberates not just nationally but globally, and CERL will continue to further these ideals."

"In the fear and fury triggered by 9/11, our nation lost sight of our laws and founding principles and adopted torture as a weapon of war," said CERL Board member and former Navy General Counsel Alberto Mora. "As a combat officer, Ian witnessed the ensuing cruel treatment of prisoners in Afghanistan and Iraq. He would have none of it. At risk to his career, Ian protested, both internally within the military and, when compelled to by leadership inaction, externally. His words and actions contributed to public revulsion at the use of torture and the enactment of the Detainee Treatment Act despite the opposition of the Bush administration. He will long be remembered as an exemplar of moral courage, civic virtue, and military honor and leadership."

CONFERENCES AND SYMPOSIA



Report Launch Beyond Guantánamo: Restoring the Rule of Law to the Law of War September 12, 2022, Washington, D.C.

Co-Sponsored By: The Annenberg Public Policy Center



In partnership with the Annenberg Public Policy Center (APPC), CERL hosted a press conference at the National Press Club in Washington, D.C. to launch a report detailing a legal blueprint for closing the Guantánamo Bay (GTMO) detention facility at the U.S. naval base in Cuba. Developed by a working group comprising over thirty national security and counterterrorism experts—including GTMO prosecutors and defense lawyers, retired military officers, former Department of Justice officials, psychologists, psychiatrists, academics, ethicists, and experts in the law of war—the report contains a 13-point package of actionable recommendations for the executive branch and Congress.

CERL's Executive Director, David Joanson, delivered welcome remarks, followed by introductory comments from CERL Board Chair Morton H. Halperin.

PANELISTS



General John Altenburg
Contributing Author of the Working Group; former Acting Judge Advocate General, U.S. Army; first President and Convening Authority for the Guantánamo Military Commissions



Alberto Mora
Contributing Author of the Working Group; Immediate past Director, American Bar Association Global Rule of Law Initiative; former General Counsel of the Department of the Navy; CERL Executive Board member



Mark Fallon
Working Group Consultant; Former Naval Criminal Investigative Service, Deputy Assistant Director and Chief Investigator for the Guantánamo Military Commissions; CERL Advisory Council member



Harvey Rishikof
Co-Chair of the Working Group; Former Convening Authority for the Guantánamo Military Commissions; Visiting Professor, Temple Law School; CERL Executive Board member



Colleen Kelly
Cofounder, September Eleventh Families for Peaceful Tomorrows



Moderator:
Professor Claire Finkelstein
Co-Chair of the Working Group; Algernon Biddle Professor of Law and Professor of Philosophy; CERL Faculty Director, University of Pennsylvania



Domestic Violent Extremism and the Threat to U.S. National Security

September 28-30, 2022

Domestic Violent Extremism and the Threat to U.S. National Security September 28 - 30, 2022, Philadelphia

CO-SPONSORED BY: THE ANNENBERG PUBLIC POLICY CENTER AND PERRY WORLD HOUSE



Domestic violent extremism (DVE) poses a major threat to U.S. national security. Together with the Annenberg Public Policy Center and Perry World House, CERL brought together leading scholars and practitioners in the fields of national security, law, media, ethics, psychology, and education to discuss, over the course of a three-day conference, the threats posed by DVE, as well as the ethical and legal dilemmas associated with counter-DVE efforts.

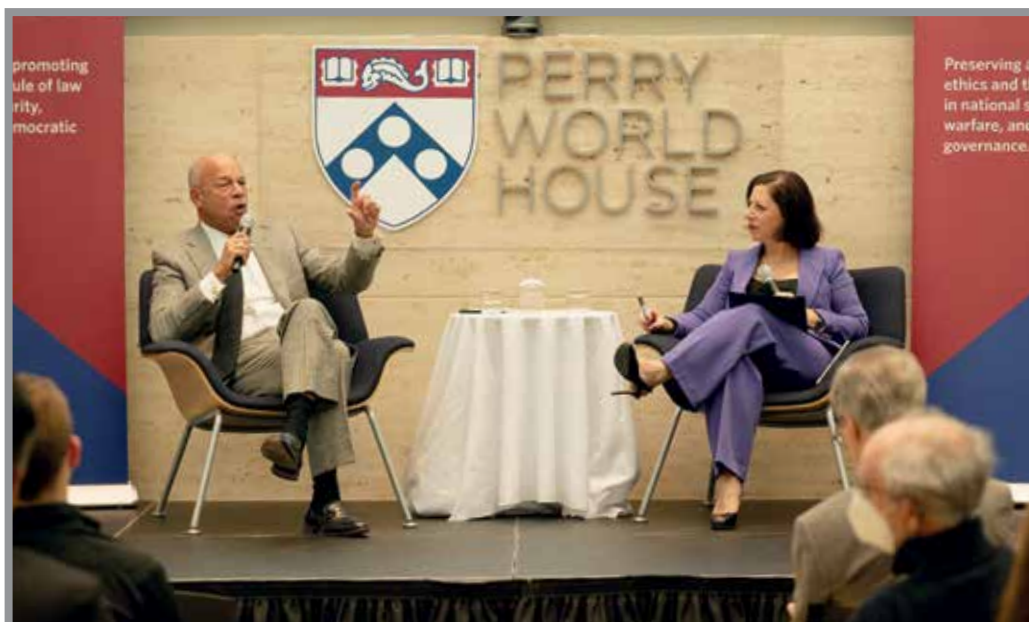
KEYNOTE ADDRESS

Is Violent Extremism a Threat to Democracy?

Reflections on Current Challenges in U.S. National Security Keynote

The Honorable Jeh Charles Johnson, Former Secretary, U.S. Department of Homeland Security

In a fireside chat, CERL's Professor Claire Finkelstein spoke with Secretary Jeh Charles Johnson about today's U.S. national security landscape, the events of Jan. 6, and the role some national leaders have played in legitimizing prejudice and hatred. The event was open to conference participants, the Penn community, and members of the general public.



Secretary Jeh Charles Johnson, Partner, Paul, Weiss, Rifekind, Wharton & Garrison, LLP in conversation with CERL's Prof. Claire Finkelstein

KEYNOTE ADDRESS

Perspectives on Domestic Violent Extremism

Panelists Robert Kelner of Covington & Burling LLP and the CERL Executive Board, Professor Mary McCord of Georgetown University, and Oren Segal of the Anti-Defamation League engaged in lively conversation on what the data reveals about violent extremist activity, the factors underlying or exacerbating DVE, and what can be done to counter violent extremism in the United States. Professor Shawn Turner of Michigan State University and the CERL Executive Board moderated the discussion.



Professor Shawn Turner, Professor of National Security Communication, Michigan State University



Professor Mary McCord, Executive Director, Institute for Constitutional Advocacy and Protection; Visiting Professor of Law, Georgetown University Law Center



Oren Segal, Vice President, Center on Extremism, Anti-Defamation League



Robert Kelner, Esq., Partner, Covington & Burling LLP

WORKSHOP SESSIONS



Conference participant Professor Neil Shortland, Director for the Center for Terrorism and Security Studies (CTSS) at the University of Massachusetts Lowell Associate Professor, Department of Criminology and Criminal Justice, University of Massachusetts



Conference participant Professor Sigal Ben-Porath, Professor at the Graduate School of Education, University of Pennsylvania



Conference participant John M. Geiringer, Regulatory Section Leader, Barack Ferrazzano Financial Institutions Group

Photo Credit: Annenberg School for Communication, University of Pennsylvania



Ukraine Working Groups

November 16, 2022
February 23, 2023

CERL Working Group on Ukraine

With the generous support of CERL Executive Board Member Jules Zacher, the center hosted a series of workshop discussions aimed at developing recommendations to forestall the use of tactical nuclear weapons in Ukraine.

Is the West/NATO Sleepwalking Toward Nuclear War with Russia in Ukraine?

November 16, 2022, Hybrid

In October 2022, President Biden warned of nuclear “Armageddon” if Putin delivered on his threat to use a nuclear weapon in Ukraine. CERL hosted an interdisciplinary group of experts against this backdrop to assess Russian nuclear capacity and the likelihood that Putin would deploy tactical nuclear weapons, as well as to examine the Biden administration’s current approach and possible responses to a nuclear first strike by Russia.

Russia and the West: Next Steps in Forestalling the Use of Nuclear Weapons in Ukraine

February 23, 2023

CERL hosted the second in a series of workshop discussions to discuss if and how a legal and political regime prohibiting the use of nuclear weapons could take shape. The group first considered a proposal for strengthening the 75-year norm against nuclear use, as outlined by CERL Executive Board Chair Morton Halperin in a post for *The Rule of Law Post* entitled “Creating an international norm prohibiting nuclear threats and use against non-nuclear states,” and second considered nuclear issues relating to China and the danger of proliferation to the ROK, Taiwan, and Japan. CERL remains actively engaged in efforts to strengthen the norm against the use of nuclear weapons, with plans to produce written products and host future roundtable discussions.



CERL Executive Board Member Jules Zacher moderates discussion at Nov. 16 workshop



Fiona Cunningham, Assistant Professor of Political Science at the University of Pennsylvania, participates in Nov. 16 workshop



Nov. 16 workshop participant LTC David Ford, Chief of National Security Law, XVIII Airborne Corps & Fort Bragg



Major Kenneth "Daniel" Jones, General Law Branch, Administrative Law Division, Office of the Judge Advocate General, speaks at Feb. 23 workshop



Jonathan Granoff, President of the Global Security Institute, at Feb. 23 workshop



Sharon Weiner, Senior Resident Fellow at Carnegie's International Peace and Security program, participates in Feb. 23 workshop



The Ethical and Legal Significance of Super Soldiers

April 13-15, 2023

The Ethical and Legal Significance of Super Soldiers

April 13 -15, 2023, Philadelphia

CO-SPONSORED BY: THE ANNENBERG PUBLIC POLICY CENTER
AND THE UNIVERSITY OF MASSACHUSETTS LOWELL



Technological innovations across the public and private sectors are increasing the prospect of enhanced warfighters or “super soldiers.” Together with the Annenberg Public Policy Center and the University of Massachusetts Lowell, CERL hosted a conference to address the ethical and legal questions arising from the creation and deployment of super soldiers, including: How should super soldier research be conducted? When, and for what purposes, is it permissible to use super soldiers? How can society best provide long-term care for super soldiers?

KEYNOTE ADDRESS

Should We Create Gods of War? Assessing the Ethical and Legal Posture of Soldier Enhancements

Experts in U.S. strategic defense and preparedness, the development and ethical evaluation of novel neural devices designed to augment human performance and behavior, and public policy surrounding emerging weapons technologies discussed the ethical and legal posture of soldier enhancements.

PANELISTS

General (Ret.) James Cartwright, U.S. Marine Corps

Dr. Laura Cabrera, Dorothy Foehr Huck and J. Lloyd Huck Chair in Neuroethics, Penn State University

Dr. Paul Scharre, Vice President and Director of Studies, CNAS

Moderator:

Dr. Nicholas Evans, Associate Professor of Philosophy, University of Massachusetts Lowell



From left: Dr. Paul Scharre, Prof. Claire Finkelstein, Dr. Laura Cabrera, Dr. Nicholas Evans, and General James Cartwright



From left: Professor Victoria Sutton, Associate Dean for Digital Learning and Graduate Education, Distinguished Professor of Law, Texas Tech University, Director, Center for Biodefense, Law and Public Policy; Dr. Blake Hereth, Postdoctoral Research Associate, UMass Lowell; Dr. Nicholas Evans, Chair, Associate Professor of Philosophy, UMass Lowell; and CERL's Prof. Claire Finkelstein



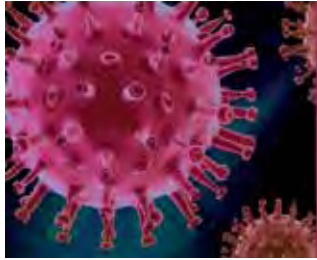
Dr. Jesse Kirkpatrick, Research Associate Professor, George Mason; the Acting Director of the Institute for Philosophy and Public Policy, George Mason University



Professor Jovana Davidovic, Associate Professor of Philosophy, University of Iowa



General (Ret.) James Cartwright, former Vice Chair Joint Chiefs of Staff, USMC



The COVID Origins Debate: What Is at Stake for U.S. National Security?

May 4, 2023

The COVID Origins Debate: What Is at Stake for U.S. National Security?

May 4, 2023, Philadelphia

CO-SPONSORED BY: THE ANNENBERG PUBLIC POLICY CENTER



The COVID origins debate has raised many questions of critical importance for U.S. and global national security policy. CERL, in partnership with the Annenberg Public Policy Center, hosted a public panel in which scientists, national security professionals, and journalists addressed the COVID origins debate as well as the broader national security stakes and bioethical implications of gain-of-function research conducted domestically and between the U.S. and Chinese scientific communities.

PANELISTS

Katherine Eban, Investigative journalist; a Vanity Fair contributing editor; Andrew Carnegie fellow

Dr. Gigi Kwik Gronvall, Associate Professor, Johns Hopkins Bloomberg School of Public Health; Senior Scholar, Johns Hopkins Center for Health Security

Dr. Jamie Metzl, Founder and Chair of OneShared.World; Senior Fellow, the Atlantic Council; faculty member of Singularity University and NextMed Health

Dr. Sergei Pond, Professor of Biology at the Institute for Genomics and Evolutionary Medicine, Temple University

Dr. Susan Weiss, Professor and Vice Chair, Department of Microbiology; Co-director of the Penn Center for Research on Coronaviruses and Other Emerging Pathogens, Penn's Perelman School of Medicine

Moderator:

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



From left: Dr. Sergei Pond, Katherine Eban, Dr. Gigi Kwik Gronvall, Prof. Claire Finkelstein, Dr. Susan Weiss, and Dr. Jamie Metzl



Panelists engage in moderated conversation for an in-person audience



Katherine Eban



From left: Dr. Susan Weiss and Dr. Jamie Metz



Prof. Claire Finkelstein moderates



From left: Dr. Susan Weiss, Dr. Jamie Metz, and Dr. Sergei Pond

BOOK TALKS

October 13, 2022, Philadelphia

Preserving Cultural Heritage in War: Lessons from Ukraine, Afghanistan, and Iraq

*An event celebrating the publication of
The Preservation of Art and Culture in Times of War,
edited by Claire Finkelstein, Derek Gillman, and Frederik Rosén*

Coinciding with the publication of CERL's ninth edited volume with Oxford University Press entitled *The Preservation of Art and Culture in Times of War*, CERL hosted three distinguished panelists to discuss questions arising from efforts to preserve and restore cultural heritage in the midst of armed conflict, including: What can the world learn from tragic attacks on cultural heritage in the Middle East and Ukraine? Did the efforts to preserve art and culture in Iraq and Afghanistan translate into greater awareness of the need to protect cultural heritage in Ukraine, even in the face of an existential battle for the survival of the nation? What lessons can be drawn about cultural heritage preservation in the midst of armed conflict, and how must international law and policy evolve to address such challenges?



PANELISTS

Professor Derek Gillman

Distinguished Teaching Professor, Art History and Museum Leadership, and Executive Director of University Collections and Exhibitions, Drexel University

Professor Jeff McMahan

Sekyra and White's Professor of Moral Philosophy at the University of Oxford; Member of the CERL Advisory Council

Professor Lynn Meskell

Penn Integrates Knowledge Professor in the School of Arts and Sciences and Professor of Historic Preservation in the Weitzman School of Design; Member of CERL's Affiliated Faculty

Moderator:

Professor Claire Finkelstein

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



*From left: Profs. Lynn Meskell, Derek Gillman,
Claire Finkelstein, and Jeff McMahan*



Prof. Jeff McMahan



Prof. Lynn Meskell

January 26, 2023

**THE BETRAYAL: HOW MITCH MCCONNELL AND THE
SENATE REPUBLICANS ABANDONED AMERICA**

By Ira Shapiro

Among the U.S. Senate's many functions is the obligation to provide a check against the executive branch, particularly when a sitting president pushes against the guardrails of democracy. CERL hosted author and Ambassador Ira Shapiro to discuss his latest book, *The Betrayal: How Mitch McConnell and the Senate Republicans Abandoned America*, which details the obstacles confronting the Senate during the Trump administration and the failure of the hyper-partisan body to stop such brazen attacks on democratic norms. Penn professor John Lapinski, Director of the Elections Unit at NBC News responsible for projecting races for the network, and Penn fellow Elizabeth Vale, Senior Managing Director at IntraFi Network and former Executive Director of the White House Business Council, joined the discussion as panelist and moderator, respectively.



CERL's Prof. Claire Finkelstein delivers introductory remarks



From left: Elizabeth Vale, Amb. Ira Shapiro, and Prof. John Lapinski



Guest author Amb. Ira Shapiro

Photo Credit: Rosie Simmons Photography

February 2, 2023

ALPHA: EDDIE GALLAGHER AND THE WAR FOR THE SOUL OF THE NAVY SEALS
By David Philipps

Decorated U.S. Navy SEAL Eddie Gallagher was arrested and accused of war crimes in 2018 for fatally stabbing a defenseless prisoner and taking lethal shots at civilians from his sniper's post while deployed in Mosul, Iraq. *New York Times* correspondent David Philipps joined CERL's Prof. Claire Finkelstein on Feb. 2 at a CERL-sponsored talk to discuss themes from his fast-paced new thriller, including the startling accusations raised by elite commandos of Gallagher's Alpha platoon and the choices they faced while in the heat of combat, navigating loyalty to their unit and to their country.



From left: David Philipps and CERL's Prof. Claire Finkelstein



David Philipps discusses Alpha



David Philipps signs books for audience after the talk

Photo Credit: Annenberg School for Communication, University of Pennsylvania

March 30, 2023

***THE PRESIDENT WHO WOULD NOT BE KING:
EXECUTIVE POWER UNDER THE CONSTITUTION***

By Michael W. McConnell

The United States has grappled with presidential powers in a number of domains, most recently with issues connected with executive privilege, war powers, impeachment, and the question of whether a sitting president can be indicted. Stanford Law Professor Michael McConnell joined CERL's Professor Claire Finkelstein on Mar. 30 for a discussion on his book, *The President Who Would Not Be King: Executive Power under the Constitution*, which details how the framers devised and defined the powers of the president.



From left: Profs. Michael McConnell and Claire Finkelstein



Prof. Claire Finkelstein



Prof. Michael McConnell

CERL'S IMPACT

FILINGS AND ENGAGEMENT

EUROPE AND THE CENTRAL ASIAN CAUCUSES DELEGATION

CERL was pleased to host in May 2023 a delegation of legal professionals from Europe and the Central Asian Caucuses who traveled to the United States on a State Department-sponsored exchange to learn about investigating human rights violations and wartime atrocities. The visit was organized by Citizen Diplomacy International of Philadelphia in connection with the U.S. Department of State's International Visitor Leadership Program. CERL's Prof. Claire Finkelstein and David Joanson spoke with the delegation.



AN ETHICS PLAN FOR A PHILLY MAYORAL CANDIDATE

Philadelphia mayoral candidate Allan Domb released in February 2023 a plan to prevent conflicts of interest arising from his portfolio of real estate holdings in Center City. The plan included selling his business and properties to an entity that would be owned by his son and other investors, if elected, and having an independent ethics expert review interactions between the new entity and the city government. CERL's Prof. Claire Finkelstein assisted Domb in drawing up this ethics plan.

UPDATED PENTAGON GUIDANCE ON AUTONOMOUS WEAPONS SYSTEMS

In January 2023, the Pentagon issued an update to DoD directive 3000.09, which establishes policies on the military use of Autonomous Weapons Systems (AWS), to include developments in artificial intelligence. Michael Horowitz, now on service leave from the University of Pennsylvania and CERL's Affiliated Faculty, leads the Pentagon's Emerging Capabilities Policy Office. Professor Horowitz participated in CERL's 2014 conference entitled "The Ethics of Autonomous Weapons Systems" on the moral and legal challenges posed by AWS.

PENTAGON BRIEFING

On March 24, 2023, Professor Finkelstein brought members of CERL and her National Security Law and Law and Morality of War courses to the Pentagon. The team briefed leaders from the Army Judge Advocate General on the recently published Department of Defense Civilian Harm Mitigation and Response Action Plan (CHMRAP). The students and CERL representatives discussed the theory and application of the Action Plan during military competition, large scale combat operations, coalition operations and in the domains of cyberspace, artificial intelligence and advanced weaponry. CERL is grateful to the Army JAG National Security Law Division, particularly MG Joseph B. Berger III, COL Kristy Radio, and LTC Michael Petrusic, for hosting this briefing and for taking time out of their busy schedules to discuss the critical topic of mitigating civilian harm.



CERL'S IMPACT PUBLICATIONS

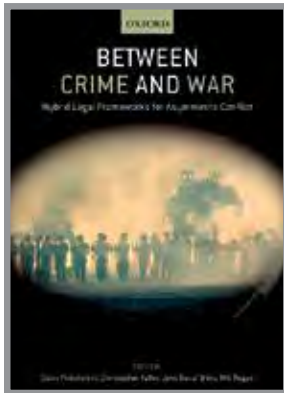
CERL is proud to partner with Oxford University Press in producing its series, *Ethics, National Security, and the Rule of Law*, which is designed to address abiding questions at the intersection of national security, moral and political philosophy, and practical ethics. Twelve volumes have been published in this series to date, with more on the horizon. CERL published three in the 2022-2023 academic year.



THE PRESERVATION OF ART AND CULTURE IN TIMES OF WAR

Edited by Claire Finkelstein, Derek Gillman, and Frederik Rosén

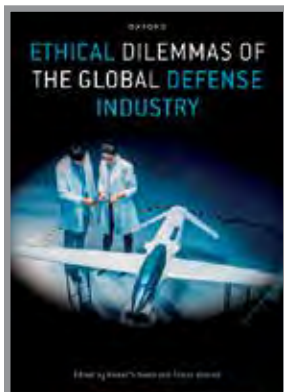
Oxford University Press, 2022



BETWEEN CRIME AND WAR: HYBRID LEGAL FRAMEWORKS FOR ASYMMETRIC CONFLICT

Edited by Claire Finkelstein, Christopher J. Fuller, Jens David Ohlin, and Mitt Regan

Oxford University Press, 2022

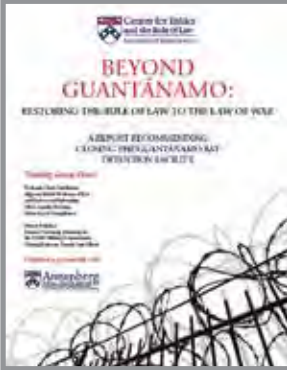


ETHICAL DILEMMAS IN THE GLOBAL DEFENSE INDUSTRY

Edited by Daniel Schoeni and Tobias Vestner

Oxford University Press, 2023

CERL'S IMPACT PUBLICATIONS



BEYOND GUANTÁNAMO: RESTORING THE RULE OF LAW TO THE LAW OF WAR

September 12, 2022

In partnership with the Annenberg Public Policy Center, CERL published a report that includes, among other key takeaways, a 13-point package of recommendations for shuttering the detention facility at Guantánamo Bay (GTMO) U.S. Naval Base, Cuba.

The interdisciplinary working group that penned the report—comprising over 30 national security and counterterrorism experts, including GTMO prosecutors and defense lawyers, retired military officers, lawyers, former Department of Justice officials, psychologists, psychiatrists, academics, ethicists, and experts in the law of war—assembled in 2021 to consider the complex legal and policy challenges posed by continuing operation of the detention facility, developing their ideas in part at a November 2021 conference held against the backdrop of the U.S. withdrawal from Afghanistan.

Co-chairs Claire Finkelstein and Harvey Rishikof, former convening authority for the commissions and a visiting professor of national security law at Temple University, led efforts to distill the diverse analysis of individual contributors into a consensus product that is comprehensive in scope and nonpartisan in nature.

The group's 13 recommendations were pre-released in Jan. 2022 on the 20th anniversary of the arrival of the first detainees to the U.S. prison in Cuba, offering a set of actionable steps that Congress and the Biden administration can take to not only close GTMO but also to repair the damage that continued operation of the facility has done to the real and perceived commitment of the United States to rule of law values.

CERL'S IMPACT BLOG POSTS



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

"Combating contagion: Can journalists avoid fanning the flames of domestic violent extremism while reporting on it?" by Isabelle Terranova, Dec. 5, 2022

"The lesson of Ukraine: Threats to use nuclear weapons first (or even second) are not viable," by Morton H. Halperin, Dec. 19, 2022

"Strengthening the Nuclear Taboo in the Midst of Russia's War on Ukraine," by Daryl G. Kimball, Mar. 2, 2023

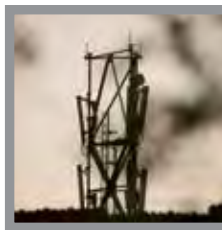
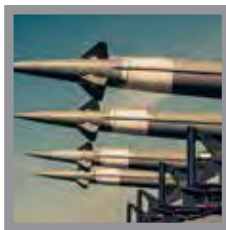
"Creating Iron Man: The need to regulate super soldiers," by Jeffrey R. Polidor, Apr. 5, 2023

"Creating an international norm prohibiting nuclear threats and use against non-nuclear states," by Morton H. Halperin, Apr. 6, 2023

"Extremist rehabilitation: Updating the Biden administration's domestic terrorism strategy," by Natalie Heller, Apr. 26, 2023

"Why the FBI's querying of intelligence collection under FISA Section 702 is not 'domestic spying,'" by George Croner, Jun. 20, 2023

"The possibility of nuclear war in Ukraine still looms," by Dakota S. Rudesill, Jul. 19, 2023



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GTMO COVERAGE

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“Guantanamo has become America’s cage,” by Elisa Massimino, *CNN*, Oct. 4, 2022

“CERL Publishes Report Detailing Legal Blueprint to Close Guantánamo Bay,” News Release, Annenberg Public Policy Center

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Former Advisory Council Member Richard Painter, “Geoffrey Berman reveals how Donald Trump abused his firing power,” *MSNBC*, Sept. 21, 2022

Affiliated Faculty Eric W. Orts, “Supreme Illegitimacy,” *The Regulatory Review*, October 10, 2022

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Executive Board Member Brig. Gen. (Ret.) Stephen N. Xenakis, M.D., contributed, “No wonder covid patients are frustrated,” *The Washington Post*, Dec. 1, 2022

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Faculty Director Claire Finkelstein interviewed on, “What does Trump’s indictment mean for American politics?” *Al Jazeera*, Apr. 1, 2023

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Faculty Director Claire Finkelstein quoted in, “Posts Distort Possible Sentencing for Trump in Manhattan Indictment,” by Sean Christensen, *FactCheck.org*, Apr. 7, 2023

Executive Board Emeritus James Clapper interviewed on, “Ex-intelligence chief Clapper weighs in on leaked Pentagon documents,” *CNN*, Apr. 10, 2023

Affiliated Faculty Kermit Roosevelt quoted in, “High court, low accountability: How Thomas scandal threatens Supreme Court,” by Henry Gass, *The Christian Science Monitor*, Apr. 11, 2023

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Executive Board Member Shawn Turned interviewed on, “The Pentagon Document Leak,” *wtopnews*, Apr. 17, 2023

Executive Board Emeritus James Clapper interviewed on, “‘Failure of Russian effort’: Former intelligence official on Wagner threats,” *CNN*, May 5, 2023

Faculty Director Claire Finkelstein interviewed on, “Claire Finkelstein on the Durham report,” *Al Jazeera*, May 15, 2023

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Advisory Council Member George Croner interviewed on, “George Croner on FISA Section 702 and Government Surveillance Laws,” *Washington Journal*, C-SPAN, May 24, 2023

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Affiliated Faculty Eric Orts interviewed on, “The Debt Ceiling Crisis: Is There a Plan B?” *Mitchell Center Podcast*, May 26, 2023

Affiliated Faculty Kermit Roosevelt quoted in, “Biden Officials Have Taken Oaths of Office, Contrary to Social Media Claim,” by Spencer Hale Spencer, *FactCheck.org*, Jun. 2, 2023

Faculty Director Claire Finkelstein quoted in, “Trump federal indictment: How serious are obstruction charges?” by Ivan Pereira, *ABC News*, Jun. 13, 2023

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Faculty Director Claire Finkelstein, “What happens if Donald Trump faces trial as sitting president of the US?” by Martin Wall, *The Irish Times*, Jun. 17, 2023

Advisory Council Member Mark Fallon quoted in, “Explained: What US does to Guantanamo Bay detainees? First-ever UN report reveals,” by Mukal Sharma, *WIO News*, Jun. 29, 2023

Faculty Director Claire Finkelstein quoted in, “GOP’s ‘dereliction of duty’ impeachment argument gets skeptical reviews,” by Rebecca Beitsch, *The Hill*, Jul. 2, 2023

Advisory Council Member Mark Fallon quoted in, “Guantánamo: the torture legacy 21 years later,” by Macarena Vidal Liy, *EL PAÍS*, Jul. 9, 2023

Executive Board Member Brig. Gen. (Ret.) Stephen N. Xenakis, M.D., quoted in, “FDA’s Draft Guidance for Psychedelic Research Could Pave Way for More Widespread Adoption,” by Laura Lovett, *Behavioral Health Business*, Jul. 10, 2023

Affiliated Faculty Firoozeh Kashani-Sabet quoted in, “What the Return of the ‘Morality Police’ Means for Iran’s Women,” by Astha Rajvanshi, *TIME*, Jul. 17, 2023

Executive Board Member General (Ret.) Joseph Votel interviewed on, “National Security with Retired U.S. Army General Joseph Votel,” KYMN’s *National Security This Week*, Jul. 19, 2023

Advisory Council Member Mark Fallon cited by Elise Swain on, “Guantanamo Detainees Deported,” *Rattling the Bars*, Jul. 31, 2023

Executive Board Member Brig. Gen. (Ret.) John Baker interviewed on, “The Fight for Human Rights at Guantanamo Bay w/John Baker,” *Public Defenseless* Podcast, Aug. 1, 2023

Executive Board Member Brig. Gen. (Ret.) Stephen N. Xenakis, M.D., quoted in, “Psychedelic therapy group outlines first-ever professional guidelines,” by Maya Goldman, *Axios*, Aug. 10, 2023

Faculty Director Claire Finkelstein quoted in, “Amidst Foreign Agent Drama, Memo Reveals \$20M to Hunter and Biden Family,” by Philip Wegmann, *RealClearPolitics*, Aug. 10, 2023

Executive Board Member General (Ret.) Joseph Votel quoted in, “‘It’s like a bad monster movie’: U.S. officials who helped train Nigerien troops reel from coup,” *POLITICO*, Aug. 15, 2023

Faculty Director Claire Finkelstein quoted in, “Georgia indictment to ‘solidify’ Trump’s support for now, analysts say,” *Al Jazeera*, Aug. 15, 2023

Advisory Council Member Mark Fallon quoted in, “What Prison? Censorship Has Never Been Worse at Guantánamo Bay,” by Elise Swain, *The Intercept*, Aug. 27, 2023

Executive Board Emeritus James Clapper quoted in, “With Prigozhin dead, Putin has traded low-budget global reach for safety at home,” by Mattathias Schwartz, *Insider*, Aug. 2023

Faculty Director Claire Finkelstein quoted in, “Updates: Ex-President Trump surrenders, mugshot taken at Fulton jail,” by Jillian Kestler-D’Amours and Joseph Stepansky, *Al Jazeera*, Aug. 24, 2023

Faculty Director Claire Finkelstein quoted in, “Pennsylvania judge rules Trump had immunity only in civil case | Fact check,” by Nate Trela, *USA Today*, Aug. 31, 2023

PUBLICATIONS

Maria Hartwig and Advisory Council Member Mark Fallon, “The manipulation of minds: reckoning with the legacy of the American post 9/11 torture program,” Vol. 32 No. 3 (2022): *Torture Journal: Journal on Rehabilitation of Torture Victims and Prevention of Torture*

Faculty Director Claire Finkelstein and former Advisory Council Member Richard Painter, “You’re Fired: Criminal Use of Presidential Removal Powers,” Vol. 25, No. 307 (2023): *New York University Journal of Legislation & Public Policy*

Executive Board Member Kevin Govern, Licit War Trophies as a Means of Preserving Art and Culture in Times of War, *AVE MARIA LAW REVIEW*, Vol. 20:1 (2022).

KEYNOTE SPEAKER OR FEATURED PARTICIPANT EVENTS

Executive Board Member Kevin Govern was Featured Keynote Presenter, “The Law of Armed Conflict, Genocide and Other War Crimes, Center for Criminal Justice,” Law & Ethics, Franciscan University of Steubenville (September 2022).

Executive Board Member Kevin Govern was Featured Keynote Presenter, U.S. Counterterrorism Policies and Institutions, CACI International (November 2022).

“The future of US drone policy,” hosted by Notre Dame, featuring Advisory Council Member Mary Ellen O’Connell

“27 Amendments (With a Focus on the Bill of Rights),” hosted by The National Constitution Center, featuring Affiliated Faculty Kermit Roosevelt

“Bridging the Gap Between Science and the Practice of Interrogation,” featuring Advisory Council Member Mark Fallon and Executive Board Members Alberto Mora and Harvey Rishikof, co-sponsored by the Center for American and International Law (CAIL), Project Aletheia at John Jay College of Criminal Justice, and American University Washington College of Law Academy on Human Rights and Humanitarian Law, Mar. 3, 2023

“From Nature, not a lab,” featuring Executive Director David Joanson, *This Week in Virology*, Jun. 18, 2023

FILINGS & STATEMENTS & OTHER ENGAGEMENT

Executive Board Member Stuart Gerson and other former Republican officials filed Brief as Amici Curiae in Support of Appellant United States of America’s Motion for a Partial Stay Pending Appeal, *Donald J. Trump v United States of America*, Sept. 16, 2022

Amicus Curiae Brief of Thomas Griffith, John Danforth, Larry Thompson, Barbara Comstock, Peter Keisler, Stuart Gerson, et. al, in Support of Respondents, SCOTUS.

Executive Board Member Stuart Gerson, “Statement by Members of Checks and Balances condemning former President Donald Trump’s call for the “termination” of the U.S. Constitution,” Checks and Balances, Dec. 5, 2022

Advisory Council Member Mark Fallon testified at Colorado hearings on deceptive police practices in juvenile interrogation, Jan. 31, 2023

Faculty Director Claire Finkelstein advised Allan Domb on ethics plan, “‘Condo king’ and mayoral hopeful Allan Domb has released a plan to avoid conflicts of interest if he’s elected,” *The Philadelphia Inquirer*, Feb. 10, 2023

AWARDS

Affiliated Faculty Anita Allen received Hastings Center's 2022 Bioethics Founders' Award for outstanding contributions to law and philosophy and to practical applications in medicine, science, and public affairs, Nov. 1, 2022

Executive Board Emerita Elizabeth Rindskopf Parker was awarded the Morris I. Leibman Award in Law and National Security for having demonstrated a sustained commitment and made exceptional contributions to the field of national security law, Nov.18, 2022

Advisory Council Member Vijay Kumar, Dean of the School of Engineering and Applied Science, named a National Academy of Inventors (NAI) Fellow, Dec. 9, 2022

Affiliated Faculty Anita Allen recipient of 2023 Privacy Papers for Policymakers Award for article in the Yale Law Journal Forum entitled "Dismantling the 'Black Opticon': Privacy, Race, Equity, and Online Data-Protection Reform"

The late Executive Board Member Honorable Harold Berger honored by The Jewish Learning Venture, Apr. 2, 2023

Affiliated Faculty William Ewald is among six Penn Carey Law School faculty members who received teaching awards for the 2022-2023 academic year. He received the LLM Award for Teaching Excellence.

2023 SUMMER INTERNSHIP PROGRAM

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

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

THE PROJECTS

Interns worked in teams under CERL's leadership on four primary projects pertaining to the Department of Defense's (DOD) Program for Civilian Harm Mitigation and Response Action Plan (CHMR-AP), enhancing civic education and the rule of law in the U.S. military, the development and deployment of super soldiers, and presidential war powers. Each team produced a briefing paper. Sub-projects included such topics as the closure of the Guantánamo Bay Detention Facility, renewal of Section 702 of FISA, how to forestall the use of nuclear weapons in the Russia-Ukraine war, and United States Supreme Court ethics.

The 2023 CERL Summer Internship Class



*Top row (left to right): Ariel Breitman, Max Gebauer, Laura Stanton, Michelle Zhang, Adam Khan, Christian Ryan;
Bottom row (left to right): Beatrice Wilson, Ben Cohen, Meredith Devine, Sarah Burn, Karolina Zhukoff, Kilin Tang;
Not pictured: Wilson Smerconish*



CERL's 2023 summer interns visit the United States Military Academy West Point



CERL Advisory Council Member George Croner speaks with the intern class about FISA Section 702



CERL Executive Board Member Brig. Gen. (Ret.) Stephen N. Xenakis, M.D., joins the interns virtually as part of the "Breakfast with the Board" series



Guest speaker Donald K. Sherman, CREW's Executive Vice President and Chief Counsel, in conversation with CERL's David Joanson



Intern Beatrice Wilson presents her team's report at CERL's annual summer intern soiree



From left: CERL Visiting Fellow Maj. Kyle Brown with interns Christian Ryan, Meredith Devine, and Adam Khan



From left: CERL's Visiting Fellow Kyle Brown, Coordinator Kathryn Stellato, Director of Engagement Jenn Cohen, Executive Director David Joanson, and Faculty Director Claire Finkelstein



From left: Interns Maximilian Gebauer, Ariel Breitman, and Laura Stanton



From left: Interns Adam Khan and Kilin Tang



From left: Intern Michelle Zhang and Mentor Dr. Blake Hereth with interns Karolina Zhukoff and Kilin Tang



From left: Interns Maximilian Gebauer and Laura Stanton with Prof. Claire Finkelstein and interns Ariel Breitman and Sarah Burn



From left: Interns Meredith Devine, Benjamin Cohen, and Laura Stanton

GUEST SPEAKER SERIES

CERL thanks its guest speakers for their valuable contributions to CERL's 2023 Summer Internship Program.

Jennifer Arbittier Williams, Partner of Freeh Sporkin & Sullivan LLP; former United States Attorney for the Eastern District of Pennsylvania

Alka Pradhan, Adjunct Professor of Law, University of Pennsylvania Carey Law School and Human Rights Counsel at the Guantánamo Bay Military Commissions

Nelson S.T. Thayer, First Assistant United States Attorney, Eastern District of Pennsylvania, U.S. Department of Justice

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

George Croner, Senior Fellow, Foreign Policy Research Institute; formerly in the Operations Division of the Office of General Counsel at NSA; CERL Advisory Council Member

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

Nicholas Evans, Ph.D., Chair and Associate Professor, University of Massachusetts Lowell

BREAKFAST WITH THE BOARD

Lt. Gen. (Ret.) James Clapper, former U.S. Director of National Intelligence, CERL Executive Board Emeritus

Brig. Gen. (Ret.) Stephen N. Xenakis, M.D., Executive Director, American Psychedelic Practitioners Association; Advisor for Physicians for Human Rights and Center for Victims of Torture; Adjunct Professor, Uniformed Services University of Health Sciences; CERL Executive Board Member

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

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Elizabeth Rindskopf Parker, Senior Adviser (Non-Resident), Defending Democratic Institutions, Center for Strategic and International Studies; Former General Counsel, NSA and CIA; CERL Executive Board Emerita

Brig. General (Ret.) John Baker, U.S. Marine Corps; Federal Public Defender, Western North Carolina; CERL Executive Board Member

General (Ret.) Joseph Votel, U.S. Army; former Commander of the U.S. Central Command; CERL Executive Board Member

Sean Carter, Member Cozen O'Connor; CERL Executive Board Member

Shawn Turner, Professor of Strategic Communication at Michigan State University; CNN Analyst; CERL Executive Board Member

Harvey Rishikof, Former Director of Military Commissions and Convening Authority at DoD; former Dean of National War College; CERL Executive Board Member

Stuart Gerson, Member of the Firm, Epstein Becker Green; former Acting Attorney General for the United States; CERL Executive Board Member

THE 2023 INTERN CLASS



ARIEL BREITMAN

*Penn Carey Law School
Academic Program: J.D.*



SARAH BURN

*Harvard University
Academic Program: B.A.*



BENJAMIN COHEN

*University of Pennsylvania
Academic Program: B.A.*



MEREDITH DEVINE

*University of Pennsylvania
Academic Program: B.A.*



MAXIMILIAN GEBAUER

*University of Pennsylvania
Academic Program: Ph.D.*



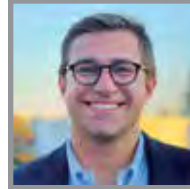
ADAM KHAN

*Penn Carey Law School
Academic Program: Received LL.M.*



CHRISTIAN RYAN

*University of Pittsburgh Global School of
Public and International Affairs
Academic Program: M.A.*



WILSON SMERCONISH

*Georgetown University Law Center
Academic Program: J.D.*



LAURA STANTON

*Temple University Beasley School of Law
Academic Program: J.D.*



KILIN TANG

*Swarthmore College
Academic Program: B.A.*



BEATRICE WILSON

*University of Pennsylvania
Academic Program: Received M.A.*



MICHELLE ZHANG

*Princeton School of Public and
International Affairs
Academic Program: Ph.D.*



KAROLINA ZHUKOFF

*University of Pennsylvania
Academic Program: M.BE.*

WHAT CERL INTERNS HAD TO SAY ABOUT THE SUMMER PROGRAM

“I am really grateful for the chance to have worked with such brilliant and accomplished students and professionals. CERL provided me with the opportunity to research topical issues and consult with leaders in the legal, military, and academic world—all experiences that I will carry with me throughout my own career.”

—**Ariel Breitman**, *Penn Carey Law School, J.D. program*

“Through my internship at CERL, I met and collaborated with an incredible group of interns. We learned from many experts in national security policy who spoke as part of the internship’s speaker series or served as our project mentors. I am grateful for the people I met through CERL and the opportunities I had to learn about careers in legal and national security work.”

—**Sarah Burn**, *Harvard University, B.A. program*

“During my internship at CERL, I gained invaluable experience participating in fascinating, complex, and hugely relevant academic research. I am extremely grateful for the opportunity to work with and learn from such an amazing and intelligent group of colleagues and speakers throughout the internship.”

—**Ben Cohen**, *University of Pennsylvania, B.A. program*

“My time at CERL was incredibly rewarding, as it offered me the opportunity to learn from speakers and mentors who are experts in their fields. I was able to research timely national security and ethics issues as part of an interdisciplinary team, and I know the skills I gained as a CERL intern will be indispensable to my career.”

—**Meredith Devine**, *University of Pennsylvania, B.A. program*

“This internship proved to be an exceptional opportunity that surpassed my initial expectations. CERL’s program projects allowed me to hone my skills and gain practical insights into many fields beyond my previous knowledge. Moreover, the supportive and dynamic work environment and invaluable mentorship contributed significantly to my professional development, making it an enriching experience.”

—**Christian Ryan**, *University of Pittsburgh Global School of Public and International Affairs, M.A. program*

“I really enjoyed my internship at CERL. Getting to know the other interns, CERL staff, and expert speakers was rewarding, and I got to learn a lot about various topics in national security. The research projects were interesting and timely, and CERL staff were really supportive throughout the internship.”

—**Laura Stanton**, *Temple University Beasley School of Law, J.D. program*

“During my time at CERL, I was grateful to have been able to research, reflect, collaborate, and critically think through the complex ethical issues we face both domestically and internationally. CERL gave me the opportunity to learn about the intersection of philosophy and law within a practical issue-based lens, which significantly broadened my worldview. Most importantly, I appreciated CERL’s emphasis on collaboration with others in a multitude of scholarly fields—utilizing our differing experiences and viewpoints to brainstorm creative solutions to pressing problems was certainly a unique and insightful experience.”

—**Kilin Tang**, *Swarthmore College, B.A. program*

“The internship was a marvelous experience. I thoroughly enjoyed collaborating with and learning from so many interesting and talented people. The mentorship and educational opportunities were incredible.”

—**Beatrice Wilson**, *University of Pennsylvania, Received M.A.*

“The CERL internship was an amazing opportunity that allowed me to further work on research and writing in fields of interest, especially as it aligns with national security and defense, ethics, and international law. It also gave me many unique chances to learn from different mentors and talk to various experts and practitioners in incredibly insightful ways.”

—**Michelle Zhang**, *Princeton School of Public and International Affairs, Ph.D. program*

“I am incredibly thankful for the opportunity to intern at CERL this summer with an amazing group of other interns and mentors. I am hoping I will be able to stay connected with at least some of the people I met, as I found them to be enormously inspiring and motivating as I consider next steps in my career. I got very lucky with the assignments as they aligned closely with my research in the past and interests going forward.”

—**Karolina Zhukoff**, *University of Pennsylvania, M.BE. program*

2023-2024 EVENT CALENDAR

Keynote Panel – October 5, 2023

Fireside Chat with Assistant Attorney General Matthew G. Olsen and
Assistant Attorney General Carlos Felipe Uriarte
Panel: The FISA Section 702 Reauthorization Debate: What's at Stake?
Co-Sponsored by the Annenberg Public Policy Center

Conference – October 5-6, 2023

The Reauthorization Debate: Charting the Path Ahead for FISA Section 702
Co-Sponsored by the Annenberg Public Policy Center

Book Talk – October 26, 2023

The FBI Way: Inside the Bureau's Code of Excellence
By Frank Figliuzzi

Lunch Briefing - November 30, 2023

Legal Dimensions of the Israel-Hamas War:
Fighting a Subterranean Enemy in a Densely Populated Area

Lunch Briefing - December 6, 2023

Legal Dimensions of the Israel-Hamas War:
Fighting an Enemy Who Uses Civilians as Human Shields

Lunch Briefing - December 14, 2023

Legal Dimensions of the Israel-Hamas War:
Broader Geopolitical Aspects of the Israel-Hamas War: Iran and Other Global Powers

Lunch Briefing - December 21, 2023

Legal Dimensions of the Israel-Hamas War:
Civilians in War: Securing the Safe Return of Hostages and Ensuring
Just Treatment of Detainees

Lunch Briefing - January 11, 2024

Legal Dimensions of the Israel-Hamas War:
ICJ Process Against Israel

Lunch Briefing - January 25, 2024

Legal Dimensions of the Israel-Hamas War:
Lawfare: When Law Becomes an Instrument of War

Conference - April 11-13, 2024

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

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- Villanova University Ethics Program
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- John and Eileen Welsh
- Alicia Ramirez Wyld
- Brig. Gen. Stephen Xenakis, M.D., U.S. Army (Ret.)



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