



TERRORISTS AND DETAINEES: DO WE NEED A NEW NATIONAL SECURITY COURT?

Sponsored by the American University Washington College of Law Program on Law and Government and The Brookings Institution

February 1, 2008
10:00 am – 4:00 pm

American University Washington College of Law
4801 Massachusetts Avenue, NW, Room 603, Washington, DC

In the wake of the 9/11 attacks and the capture of hundreds of suspected al Qaeda and Taliban fighters, we have been engaged in a national debate as to the proper standards and procedures for detaining "enemy combatants" and prosecuting them for war crimes. Dissatisfaction with the procedures established at Guantanamo for detention decisions and trials of detainees for war crimes by military commissions, and concerns about the feasibility of conducting major terrorism trials in regular Article III courts, have led to proposals to establish a special National Security Court. This new court, which would have greater flexibility to conduct non-public proceedings than do the regular federal courts, could make or review status and detention decisions and/or conduct trials of suspected terrorists. The conference will discuss the pros and cons of establishing such a new federal court, and what jurisdiction should be assigned to such a court.

- 9:30 am Registration
- 10:00 am Welcome Remarks by *Claudio Grossman*, Dean, American University Washington College of Law
- 10:15 am **Panel 1: War or Crime? The Legal Framework for Detaining and Prosecuting Enemy Combatants**
Moderator: *Professor Kenneth Anderson*, American University Washington College of Law
Introduction – "Who are the Guantanamo Detainees?": *Benjamin Wittes*, Research Director in Public Law, The Brookings Institution
Panelists: *Honorable Patricia Wald*, former Chief Judge, U.S. Court of Appeals for the District of Columbia Circuit and Former Judge, International Criminal Tribunal for the former Yugoslavia; *John B. Bellinger*, Legal Adviser to the U.S. Department of State; and *Stuart Taylor, Jr.*, Contributing Editor, Newsweek, and Senior Writer, National Journal
- 11:45 am **Lunch with keynote speaker:** *Honorable Leonie Brinkema*, U.S. District Judge, E.D. Va (Judge in the *Moussaoui* case): "Reflections on Trying Terrorist Cases"
- 1:00 pm **Panel 2: A National Security Court for Detention Decisions**
Moderator: *Professor Daniel Marcus*, American University Washington College of Law
Panelists: *Professor Robert Chesney*, Wake Forest Law School; *Professor David Cole*, Georgetown University Law Center; *Elisa Massimino*, Director, Washington Office, Human Rights First; and *Professor Matthew Waxman*, Columbia Law School
- 2:30 pm **Panel 3: A National Security Court for Terrorist Crimes**
Moderator: *Professor Stephen Vladeck*, American University Washington College of Law
Panelists: *James Baker*, former Counsel for Intelligence Policy, U.S. Department of Justice; *Andrew McCarthy*, Director, Center for Law & Counterterrorism; and *Andrew Patel*, private criminal defense lawyer who has represented a number of terrorist suspects, including Jose Padilla
- 4:00 pm Adjourn

General Registration – no charge. CLE Accreditation (4.5 credits) will be applied for – CLE Registration - \$50

To register, please go to www.wcl.american.edu/secle/cle_form.cfm

For further information, please contact: Office of Special Events & Continuing Legal Education,

American University Washington College of Law

Phone: 202.274.4075; Fax: 202.274.4079; or secle@wcl.american.edu