

The Future of Counterterrorism

April 26, 2018

On April 26, 2018, the National Security Policy Center at the Frank S. Batten School of Leadership and Public Policy will host a series of public and private conversations on the Future of Counterterrorism at the University of Virginia.

The purpose of these discussions is to examine and reconsider our approach to counterterrorism in light of the evolving threats facing the United States. The event will include a private off-the-record discussion in the Rotunda among counterterrorism experts, including current government officials, former leaders, and scholars. It also will include an event open to the public at Batten's Great Hall to engage the University and broader national security community in a discussion about the direction of our counterterrorism policies and strategy.

In the wake of the September 11th, 2001 attacks, the United States radically revised its counterterrorism programs to address the transnational threat to national security led by al-Qaeda. The federal government reorganized, shifting priorities to focus on the external terrorist threat to the United States. At the outset, the government pushed its policy responses to the legal limits, particularly on issues related to the government's authority to wage war, conduct surveillance, and to detain and interrogate combatants. Over time, the government has calibrated its approach, in response to the dynamic threat landscape and to legal and policy changes reflecting concerns raised by Congress, the Courts, and outside advocacy groups.

Today, the terrorist threat to the United States has changed dramatically. The monolithic foreign terrorist threat from al-Qaeda has metastasized, as new foreign groups like ISIS have stepped to fore, and self-radicalized terrorists have sprouted up independently, taking advantage of changes in technology and social media. As a result, we are not only concerned about the threat from abroad. Terrorism inside the United States—untethered to any foreign group—is on the rise. This includes both homegrown jihadists and extreme right wing nationalist groups, which have seen a resurgence throughout the United States.

As the threat has changed, the Executive Branch, Congress, and the Courts have struggled to keep up. War-fighting legal authorities, embodied in the September 2001 Authorization of the Use of Military Force, remain essentially unchanged. The development of new technology has left law enforcement and intelligence authorities in the difficult position of "Going Dark," often unable to access new smart phones, and incapable of intercepting new secure communications, even when they have the legal authority to do so. Material support laws, meant to address foreign terrorist organizations, do not encompass the government's response to domestic terrorism. The military detention and prosecution system set up after 9/11 has been brought to a legal and practical stand-still. And the government has struggled develop a consensus in support of its surveillance programs. Moreover, there remain serious civil liberties concerns related to all of these issues.

The Future of Counterterrorism, hosted by the National Security Policy Center, will provide a unique forum—convening a range of experts and engaging with the University community in a series of events—to tackle these issues through informed, candid and provocative discussions.

Agenda

Participants: *Eric Allison, David Bitkower, Chris Costa, David Cohen, Carrie Cordero, Jen Daskel, Ashley Deeks, John Demers, Liza Goitein, Danny Grooms, Tim Heaphy, Wyman Howard, Jamil Jaffer, Andy Liepman, Elisa Massimino, Mary McCord, Joe Moreno, Pat Rowan, Russ Traverse*

Moderators: *Shreve Ariail, Matt Olsen, Phil Potter*

Public Event

Panel Discussion – The Future of Counterterrorism

Time: 10:30 – 11:45am

Location: Rotunda Dome Room

Participants: David Cohen, Chris Costa, Eliza Goitein, Elisa Massimino, J. Patrick Rowan

Closed Events

Welcome, Introductions, and Continental Breakfast

Panel Discussion – *See Above*

Working Lunch – *Authorizing the Use of Force*

Discussion Points:

- Is the AUMF tailored to the threat? Does the AUMF authorize the current conflict?
- What is Congress's role in authorizing and overseeing the use of military force
- Should there be additional constraints on executive authority?

Discussion I - *Electronic Surveillance & Going Dark*

Discussion Points:

- What authorities do we need to cope with current threats and the technological environment? What are outdated?
- How should we strike the right balance between surveillance and civil liberties in an era of big data and new technologies?
- What are the primary technological challenges and opportunities on the horizon?

Discussion II – *Detention and Prosecution*

Discussion Points:

- Are our current authorities and policies sufficient to address the detention of enemy combatants captured overseas?
- What role should the federal criminal courts play (if any) in the military's judgment to detain an enemy combatant captured overseas? Are additional procedural checks needed?

- Should we be using the criminal justice system to prosecute foreign terrorists captured on battlefield, particularly when they pose no direct threat to the homeland? Assuming extra-territorial jurisdiction for the prosecution of a terrorist exists, are there specific restrictions we should place on its use and what are they?

Tour of the Academical Village, UNESCO World Heritage Site

Discussion III - *Terrorism at Home*

Discussion Points:

- What is the nature of the domestic threat?
- How should we adapt our practices and legal authorities to foreign/domestic hybrid threats? without compromising the civil liberties?
- How should we address domestic threats before they become active while remaining within the confines of the law?

Reception

Biographies

Eric R. Allison - Eric Allison is an independent consultant and a retired 34-year veteran of the Central Intelligence Agency's (CIA) Clandestine Service. During his CIA career, Mr. Allison served in a variety of roles, to include multiple assignments as Chief of Station in the Near East and Pacific Rim. In those and his preceding assignments, Mr. Allison leveraged operational expertise in a broad range of intelligence disciplines and national security issues, notably counter-terrorism, counter-intelligence, and regional stability. His work in furthering U.S. policy objectives entailed substantive partnerships with counterparts from across the Executive Branch, frequent interactions with Congress, and daily engagement with senior foreign government officials. Mr. Allison's final CIA roles focused on building CIA's strategic capabilities through training and professional development of its and partner organization personnel, ultimately serving as CIA's Chief Learning Officer (2015-2017). A member of the Senior Intelligence Service, Mr. Allison is recipient of the Distinguished Intelligence Medal and numerous other awards. He holds a B.A. from the University of Virginia and an M.S. in Organization Development from American University.

J. E. Shreve Ariail – Shreve Ariail serves as an Assistant U.S. Attorney in the U.S. Attorney's Office for the Eastern District of New York (EDNY) where he has worked since 2007. He is currently on leave from the U.S. Department of Justice, lecturing at the Frank Batten School of Leadership and Public Policy and serving as an Adjunct Professor at the University of Virginia School of Law. He is a Faculty Associate for the National Security Policy Center. While at EDNY, Mr. Ariail has served in various leadership roles and in a number of different units within the office. He most recently served as the Chief of the Office's Organized Crime and Gang Section, managing the La Cosa Nostra and transnational organized crime programs, as well as EDNY's efforts to combat gang-related violence in New York City. As an Assistant U.S. Attorney, Mr. Ariail has led dozens of domestic and extra-territorial national security investigations and prosecutions, working closely with many (U.S. and foreign) law enforcement, intelligence, diplomatic and military agencies, in the United States and overseas. Mr. Ariail has tried to verdict a number of complex racketeering, murder and terrorism cases. He previously served on the multiagency Guantanamo Review Taskforce and is the recipient of the Executive Office of the United States Attorneys Director's Award for Excellence as an Assistant U.S. Attorney and the Federal Drug Agents Foundation's True American Hero award. Prior to joining the Department of Justice, worked at the New York law firm Skadden, Arps, Slate, Meagher & Flom, representing individuals and corporations in federal and state investigations on matters related to insider trading, securities fraud and banking violations. Mr. Ariail clerked for the Honorable Claude M. Hilton in the United States District Court for the Eastern District of Virginia. He received his B.A. from Davidson College in 1998 and his J.D. from the University of Virginia in 2002.

David Bitkower – David Bitkower is a partner at Jenner & Block in the firm's Investigations, Compliance and Defense practice. Mr. Bitkower recently served as the Principal Deputy Assistant Attorney General for the Criminal Division of the U.S. Department of Justice (DOJ), the second-highest ranking position in the division. In that role, he managed the Criminal Division's more than 700 federal prosecutors who conducted nationally significant investigations and prosecutions in cases involving white collar crime, public corruption, cybercrime, intellectual property, money laundering, and organized and transnational crime, among other areas. Together with other senior DOJ leaders, he oversaw the department's most significant investigations and prosecutions of corporate wrongdoing, including financial institution fraud, sanctions evasion, FCPA violations and corporate

health-care fraud. Before serving in main justice, Mr. Bitkower served as an assistant U.S. Attorney in the Eastern District of New York. He tried eight federal criminal cases covering a wide range of issues, including financial fraud, money laundering, export violations, murder and terrorism. His roles at the EDNY included serving as chief of the National Security and Cybercrime Section and chief of the Violent Crimes and Terrorism Section. Managing a unit of more than 20 prosecutors, investigators and staff, he was responsible for supervision of counterterrorism, espionage, export and sanctions enforcement, international organized crime and cybercrime cases. He prosecuted a number of prominent terrorism cases including the trial of an al-Qaeda plot to bomb the New York City subway system. Mr. Bitkower clerked for the Honorable Pierre N. Leval in the U.S. Court of Appeals for the Second Circuit, and for the Honorable Leonard B. Sand in the United States District for the Southern District of New York. Mr. Bitkower received his B.A. from Yale University, and a J.D. from Harvard Law School.

Christopher P. Costa – Mr. Costa served as the Special Assistant to the President and Senior Director for Counterterrorism on the National Security Council (NSC). At the NSC, he was responsible for coordinating counterterrorism policy and strategy as well as U.S. hostage recovery activities. Mr. Costa had 34 years of progressive national security experience and well-documented success in strategy, policy, special operations, counterintelligence, and human intelligence, deploying on multiple contingencies and to combat operations in the Republic of Panama, Afghanistan, and Iraq. Mr. Costa's last assignment with the United States Special Operations Command (USSOCOM) was as Program Director in the Operations Directorate. Preceding USSOCOM, Mr. Costa served as a Department of the Navy civilian at the Naval Special Warfare Development Group – with US Navy SEALs and as a Senior Adjunct Instructor with Norwich University's Bachelor of Science in Strategic Studies and Defense Analysis Program; with Norwich University, he taught on topics related to national security, strategy, and counterterrorism. He holds an M.A. in Strategic Intelligence from American Military University; an M.A. in National Security and Strategic Studies from the U.S. Naval War College; and a B.A. from Norwich University. His military awards and decorations include the Defense Superior Service Medal, Legion of Merit, and two Bronze Stars. In May 2013, Mr. Costa was inducted into USSOCOM's Commando Hall of Honor for extraordinary and enduring service to Special Operations Forces. Most recently, Mr. Costa joined the International Spy Museum as the Executive Director where he will play a leading role in building on its extraordinary success as a Washington attraction and speaking responsibly on current counterterrorism and intelligence issues.

David Cohen – Mr. Cohen is a partner at Wilmer Hale in the regulatory and government affairs, and litigation/controversy practice groups. From 2015 to 2017, Mr. Cohen served as the Deputy Director of the Central Intelligence Agency. As the Agency's second-in-command, he helped manage the CIA's domestic and worldwide operations, oversee its strategic modernization, and lead the Agency's performance of its five core missions – foreign intelligence collection, all-source analysis, covert action, counter-intelligence and foreign liaison relationships. At the conclusion of his tenure, Mr. Cohen was awarded the Director's Award and the Distinguished Intelligence Medal, the Agency's highest honor. Before becoming Deputy Director, Mr. Cohen served for six years in the United States Department of the Treasury. From 2011 to 2015, Mr. Cohen was the Senate-confirmed Under Secretary for Terrorism and Financial Intelligence. As Under Secretary, Mr. Cohen directed the Treasury Department's policy, enforcement, regulatory, and intelligence functions aimed at identifying and disrupting financial support to nations, organizations and individuals posing a threat to our national security, and directly supervised two key regulatory agencies, the Office of Foreign Assets Control (OFAC) and the Financial Crimes Enforcement Network (FinCEN). Mr. Cohen was instrumental in developing

and implementing the financial sanctions programs against Iran, Russia, ISIL, al Qaida, and other terrorist organizations. From 2009 to 2011, Mr. Cohen was the Treasury's Assistant Secretary for Terrorist Financing. In that Senate-confirmed position, Mr. Cohen oversaw the Treasury's counterterrorist financing and anti-money laundering policy efforts. For his work at Treasury, Mr. Cohen was given the Alexander Hamilton Award, the Treasury Department's highest honor. Prior to joining the Treasury Department, Mr. Cohen practiced law in Washington, D.C. for almost twenty years. Immediately prior to joining the Treasury, Mr. Cohen was a partner at WilmerHale, where his practice focused on civil and criminal litigation, the defense of regulatory investigations, and anti-money laundering and sanctions compliance advice. Earlier in his career, Mr. Cohen worked in the Treasury's General Counsel's office, was a partner at the white-collar criminal defense firm Miller, Cassidy, Larroca & Lewin, and clerked for a federal judge. Mr. Cohen received his law degree from Yale Law School in 1989 and his undergraduate degree *magna cum laude* from Cornell University in 1985.

Carrie Cordero – Carrie Cordero is an adjunct professor at Georgetown Law, where she previously served as Director of National Security Studies. She spent the first part of her career in public service, including as Counsel to the Assistant Attorney General for National Security; Senior Associate General Counsel at the Office of the Director of National Intelligence; Attorney Advisor at the Department of Justice, where she practiced before the Foreign Intelligence Surveillance Court; and Special Assistant United States Attorney.

Jennifer Daskal – Jennifer Daskal is an Associate Professor of Law at American University Washington College of Law, where she teaches and writes in the fields of criminal, national security, and constitutional law. She is on academic leave from 2016 –17 and has received an Open Society Institute Fellowship to work on issues related to privacy and law enforcement access to data across borders. From 2009-2011, Daskal was counsel to the Assistant Attorney General for National Security at the Department of Justice. Prior to joining DOJ, Daskal was senior counterterrorism counsel at Human Rights Watch, worked as a staff attorney for the Public Defender Service for the District of Columbia, and clerked for the Honorable Jed S. Rakoff. She also spent two years as a national security law fellow and adjunct professor at Georgetown Law Center. Daskal is a graduate of Brown University, Harvard Law School, and Cambridge University, where she was a Marshall Scholar. Recent publications include *Law Enforcement Access to Data Across Borders: The Evolving Security and Rights Issues* (Journal of National Security Law and Policy 2016); *The Un-Territoriality of Data* (Yale Law Journal 2015); *Pre-Crime Restraints: The Explosion of Targeted, Non-Custodial Prevention* (Cornell Law Review 2014); and *The Geography of the Battlefield: A Framework for Detention and Targeting Outside the 'Hot' Conflict Zone* (University of Pennsylvania Law Review 2013). Daskal has published op-eds in the New York Times, Washington Post, and International Herald Tribune and has appeared on BBC, C-Span, MSNBC, and NPR, among other media outlets. She is an Executive Editor of and regular contributor to the [Just Security](#) blog.

Ashley Deeks - Ashley Deeks joined the UVA Law School in 2012 as an associate professor of law after two years as an academic fellow at Columbia Law School. Her primary research and teaching interests are in the areas of international law, national security, intelligence, and the laws of war. She has written a number of articles on the use of force, the intersection of national security and international law, and the laws of war. She is a member of the State Department's Advisory Committee on International Law and serves as a senior contributor to the Lawfare blog. Deeks also serves on the editorial board for the Journal of National Security Law and Policy, and is a senior fellow at the Lieber Institute for Law and Land Warfare. Before joining Columbia in 2010, she served as the assistant legal adviser for political-military affairs in the U.S. Department

of State's Office of the Legal Adviser, where she worked on issues related to the law of armed conflict, the use of force, conventional weapons, and the legal framework for the conflict with al-Qaida. She also provided advice on intelligence issues. In previous positions at the State Department, Deeks advised on international law enforcement, extradition and diplomatic property questions. In 2005, she served as the embassy legal adviser at the U.S. embassy in Baghdad, during Iraq's constitutional negotiations. Deeks was a 2007-08 Council on Foreign Relations international affairs fellow and a visiting fellow in residence at the Center for Strategic and International Studies. Deeks received her J.D. with honors from the University of Chicago Law School, where she was elected to the Order of the Coif and served as comment editor on the Law Review. After graduation, she clerked for Judge Edward R. Becker of the U.S. Court of Appeals for the Third Circuit.

John Demers – John Demers became Assistant Attorney General for the National Security Division on February 22, 2018. As Assistant Attorney General, John oversees all units and components of the NSD, including the Counterterrorism Section, the Counterintelligence and Export Control Section, the Office of Intelligence, the Office of Law and Policy, the Foreign Investment Review Staff and the Office of Justice for the Victims of Overseas Terrorism. Prior to rejoining the Department of Justice, John was Vice President and Assistant General Counsel at The Boeing Company. He held several senior positions at the company including in Boeing Defense, Space, and Security and as lead lawyer and head of international government affairs for Boeing International. From 2006 to 2009, John served on the first leadership team of the Justice Department's National Security Division, first as Senior Counsel to the Assistant Attorney General and then as Deputy Assistant Attorney General for the Office of Law & Policy. Before that, he served in the Office of Legal Counsel. From 2010-17, he taught national security law as an adjunct professor at the Georgetown University Law Center. John worked in private practice in Boston and clerked for Associate Justice Antonin Scalia of the U.S. Supreme Court and Judge Diarmuid O'Scannlain of the U.S. Court of Appeals for the Ninth Circuit. He graduated from Harvard Law School and the College of the Holy Cross.

Elizabeth Goitein – Elizabeth (Liza) Goitein co-directs the Brennan Center for Justice's Liberty and National Security Program. Ms. Goitein is the author of the Brennan Center's report *The New Era of Secret Law* and co-author of the reports *Overseas Surveillance in an Interconnected World*, *What Went Wrong with the FISA Court*, and *Reducing Overclassification Through Accountability*. She is also the author of the chapter "Overclassification: Its Causes and Consequences" in the book *An Enduring Tension: Balancing National Security and Our Access to Information*, and co-author of the chapter "Lessons From the History of National Security Surveillance" in the 2017 *Cambridge Handbook of Surveillance Law*. Her writing has been featured in major newspapers including *The New York Times*, *Washington Post*, *Wall Street Journal*, *USA Today*, and *LA Times*, and she has appeared on national television and radio shows including the *The Rachel Maddow Show*, *All In with Chris Hayes*, the *PBS NewsHour*, and National Public Radio's *Morning Edition* and *All Things Considered*. She has testified before the Senate and House Judiciary Committees. Before coming to the Brennan Center, Ms. Goitein served as counsel to Senator Feingold, Chairman of the Constitution Subcommittee of the Senate Judiciary Committee, and as a trial attorney in the Federal Programs Branch of the Civil Division of the Department of Justice. Ms. Goitein graduated from the Yale Law School and clerked for the Honorable Michael Daly Hawkins on the U.S. Court of Appeals for the Ninth Circuit.

Danny Grooms – Danny Grooms is the Criminal Chief for the United States Attorney's Office for the Eastern District of Virginia. He has been with the Department of Justice since 2003 when he entered as a Trial Attorney in the Tax Division through the Attorney General's Honors Program. Since 2006, Danny has been an Assistant

United States Attorney in the Eastern District of Virginia. He was the Chief of the Narcotics Unit from 2009 until 2010 and then Chief of the National Security and International Crime Unit from 2010 until 2013. In 2013, Danny served a one-year detail in the National Security Division as the Senior Counselor to the Assistant Attorney General. From 2014 through 2016, Danny was an Associate Deputy Attorney General in the Office of the Deputy Attorney General where he was responsible for criminal counterterrorism, counterespionage, and counterproliferation prosecutions handled by the National Security Division and the United States Attorneys' Offices. Danny also was responsible for the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms, and Explosives. He returned to the United States Attorney's Office in 2016.

Timothy J. Heaphy – Tim Heaphy is a partner at Hunton & Williams LLP, and serves as the chair of the firm's white collar and internal investigations practice. Prior to joining Hunton & Williams LLP, Heaphy was the United States Attorney for the Western District of Virginia, serving as the chief law enforcement officer responsible for prosecuting federal crime and defending the United States in civil litigation. During his tenure as United States Attorney, Heaphy served on the Attorney General's Advisory Committee, advising the Attorney General on emerging policy issues. He has testified before Congressional committees several times on issues ranging from guns to synthetic drugs to sentencing reform. Heaphy's experience includes investigations and prosecutions in a broad range of subjects including national security, financial and health care fraud, public corruption, international and national organized crime, environmental crime, money laundering and civil rights. He also has significant experience in matters involving public institutions, state agencies, and colleges and universities. Before serving as the US Attorney, Heaphy was a partner at an international law firm where he represented individuals and business entities in white collar criminal defense matters. From 1994 to 2006, Heaphy served as Assistant U.S. Attorney in the District of Columbia and the Western District of Virginia. Prior to law school, Heaphy served on the staff of then-Senator Joseph R. Biden. Heaphy received a B.A. and J.D. from the University of Virginia. This past year, Heaphy led a team of individuals who conducted the Independent Review of the 2017 Protest Events in Charlottesville, Virginia; the [Final Report](#) of that review was published in November 2017.

H. Wyman Howard – RDML H. Wyman Howard III, USN is the Assistant Commanding General of the Joint Special Operations Command (JSOC) where he leads a joint enterprise that delivers creative solutions to hard and unstructured national security challenges. RDML Howard received his commission from the United States Naval Academy in 1990. He studied at London School of Economics and Political Science, HEC Paris School of Management, and New York University in a unique program leading to a Master of Business Administration from New York University's Stern School of Business. Additionally, he is a 2005 graduate of The Eisenhower School and holds a Master in Resource Strategy with a focus on commercial, civil, and military space. RDML Howard most recently served as Director of Operations at the National Geospatial- Intelligence Agency. RDML Howard has commanded multiple counter-terrorism joint task forces and held strategic staff assignments, including service with the Office of the Secretary of Defense for Special Operations and Low intensity Conflict and the Joint Staff. RDML Howard is authorized to wear the Presidential Unit Citation (4x), the Joint Meritorious Unit Award (3x), the Meritorious Unit Commendation, and numerous other personal decorations for combat leadership.

Jamil N. Jaffer – Jamil Jaffer currently serves as the Founder of National Security Institute and as an Adjunct Professor of Law and Director of the National Security Law & Policy Program at the Antonin Scalia Law School at George Mason University, where he teaches classes on counterterrorism, intelligence, surveillance,

cybersecurity, and other national security matters. Jamil is also a Visiting Fellow at the Hoover Institution, is affiliated with Stanford University's Center for International Security and Cooperation, and recently served as a clerk to Justice Neil M. Gorsuch of the United States Supreme Court. Jamil also currently serves as Vice President for Strategy & Business Development at IronNet Cybersecurity, a startup technology firm founded by former National Security Agency Director Gen. Keith Alexander (ret.) and former National Counterterrorism Center Director Matt Olsen. Jamil is also an advisor to Beacon Global Strategies, a strategic advisory firm specializing in international policy, defense, cyber, intelligence, and homeland security, and is also an advisor to 4iQ, a startup technology company focused on deep and dark web intelligence and identity theft protection. Prior to his current positions, Jamil served as the Chief Counsel and Senior Advisor for the Senate Foreign Relations Committee, where he worked on key national security and foreign policy issues. Prior to joining SFRC, Jamil served as Senior Counsel to the House Intelligence Committee where he led the committee's oversight of NSA surveillance, NRO, and NGA matters, as well as intelligence community-wide counterterrorism matters. In the Bush Administration, Jamil served in the White House as an Associate Counsel to the President, handling Defense Department, State Department, and Intelligence Community matters. Prior to the White House, Jamil served in the Justice Department as Counsel to the Assistant Attorney General for National Security, where he focused on counterterrorism and intelligence matters. For his work, Jamil was awarded the Assistant Attorney General's Award for Special Initiative and was among the group of lawyers awarded the Director of National Intelligence's 2008 Legal Award. Jamil also served in other positions in the Justice Department, including in the Office of Legal Policy. Jamil also served as a lawyer in private practice at Kellogg Huber, as a policy advisor to Congressman Bob Goodlatte (R-VA), and as a staff member or senior advisor on a number of political campaigns, including two presidential campaigns and a presidential transition team. Jaffer received a BA (cum laude) from UCLA, a JD (with honors) from the University of Chicago Law School, and an MA (with distinction) from the United States Naval War College. While at Chicago, he served as a member of the University of Chicago Law Review, managing editor of the Chicago Journal of International Law, and National Symposium Editor of the Harvard Journal of Law & Public Policy. Jamil clerked for the Honorable Edith H. Jones of the United States Court of Appeals for the Fifth Circuit and to then-Judge Neil M. Gorsuch on the United States Court of Appeals for the Tenth Circuit. Jamil has published multiple op-eds, book chapters and academic articles on foreign policy, counterterrorism, cybersecurity, encryption, and intelligence matters.

Andy Liepman – Andy Liepman is a former senior Central Intelligence Agency executive and national security specialist with thirty years of experience. He retired from government service in 2012 as Deputy Director of the National Counter Terrorism Center (NCTC). Prior to that, Andy served as the Deputy Director for Intelligence at the NCTC from 2006 – 2011. Since 2012 he has been a senior policy analyst at the RAND Corporation, focusing on terrorism, the Middle East, and National Security issues. He has represented CIA and NCTC at the White House, including briefing the President, and engaged routinely with senior officials across the USG, including frequent testimonies to Congress. He is currently a member of the Defense Science Board Task Force on Homeland Defense. Andy began his career as an analyst in the CIA's Office of Near Eastern and South Asian Analysis, and rose through the ranks (1985 – 2001) to become the Deputy Director of that Office. Andy also served as the Deputy Director Weapons, Nonproliferation, and Arms Control (2001 – 2004), the Director of the Office of Iraq Analysis (2004-2006), and as the Deputy Director for the Counterterrorism Center (2006).

Elisa Massimino – Elisa Massimino is President and Chief Executive Officer of Human Rights First, one of the nation's leading human rights advocacy organizations. Established in 1978, Human Rights First's mission is to

ensure that the United States is a global leader on human rights. The organization works in the United States and abroad to promote respect for human rights and the rule of law. Massimino leads a staff of 100 with offices in New York City, Washington, D.C., and Houston. Massimino joined Human Rights First as a staff attorney in 1991 to help establish the Washington office. From 1997 to 2008 she served as the organization's Washington Director. Previously, Massimino was a litigator in private practice at the Washington law firm of Hogan & Hartson, where she was pro bono counsel in many human rights cases. Before joining the legal profession, she taught philosophy at several colleges and universities in Michigan. Massimino has a distinguished record of human rights advocacy in Washington. As a national authority on human rights law and policy, she has testified before Congress dozens of times and writes frequently for mainstream publications and specialized journals. Since 2008, the influential Washington newspaper *The Hill* has consistently named her one of the most effective public advocates in the country. Massimino appears regularly in major media outlets and speaks to audiences around the country. She has written for and been quoted in numerous print and online news sources, including: *New York Times*, *Washington Post*, *Wall Street Journal*, *Los Angeles Times*, *USA Today*, and other global publications. She has been featured on ABC News, NBC Dateline, *The Newshour with Jim Lehrer*, MSNBC, CNN, National Public Radio, BBC, and many other news outlets. The daughter of a nuclear submarine commander, Massimino was instrumental in the organization's efforts to assemble a group of retired generals and admirals to speak publicly against policies authorizing the torture of prisoners in U.S. custody. This coalition of military leaders has played a pivotal role in the effort to restore compliance with the Geneva Convention's standard for treatment of prisoners. Massimino holds a law degree from the University of Michigan where she was an editor of the *Journal of Law Reform*. She holds a Master of Arts in philosophy from Johns Hopkins University, and is a Phi Beta Kappa graduate of Trinity University in San Antonio, Texas. Massimino serves as an adjunct professor at Georgetown University Law Center, where she teaches human rights advocacy, and has taught international human rights law at the University of Virginia and refugee law at the George Washington University School of Law. She is a member of the Council on Foreign Relations and the bar of the United States Supreme Court.

Mary McCord – Mary McCord serves as Senior Litigator from Practice at the Institute for Constitutional Advocacy and Protection as well as Visiting Professor of Law at Georgetown University Law Center. McCord was the Acting Assistant Attorney General for National Security at the U.S. Department of Justice from 2016 to 2017 and served as Principal Deputy Assistant Attorney General for the National Security Division (NSD) from 2014 to 2016. Joining NSD put McCord in charge of the Division's nearly 400 employees, who collectively are tasked with carrying out the counterterrorism, counterespionage, and counterintelligence functions of the Justice Department. In her post, McCord interacted with the 94 U.S. Attorney's Offices across the country. Previously, McCord worked for nearly twenty years at the U.S. Attorney's Office for the District of Columbia. Among other positions, she served as a Deputy Chief in the Appellate Division, overseeing and arguing hundreds of cases in the U.S. and District of Columbia Courts of Appeals. She also served as the Criminal Division Chief, where she oversaw all criminal prosecutions in federal district court. McCord graduated from Georgetown University Law School and subsequently served as a law clerk for Judge Thomas Hogan of the U.S. District Court for the District of Columbia.

Joseph Moreno – Joseph Moreno is a partner in the White Collar Defense and Investigations group at Cadwalader, Wickersham & Taft LLP, based in Washington, D.C. Prior to joining Cadwalader, Mr. Moreno served at the U.S. Department of Justice in the National Security Division's Counterterrorism Section, where he investigated and prosecuted international money laundering, material support, structuring, and terrorist

financing cases. He was also appointed a Special Assistant United States Attorney for the Eastern District of Virginia, where he prosecuted a wide variety of criminal cases and successfully argued before the U.S. Court of Appeals for the Fourth Circuit. Mr. Moreno has extensive experience handling classified litigation pursuant to the Classified Information Procedures Act, and in government surveillance matters relating to the Foreign Intelligence Surveillance Act and the USA PATRIOT Act. In 2011, he received the Anti-Defamation League's SHIELD Award for his prosecution of the "DC Metro Bomber" case. In 2014, Mr. Moreno was appointed as a consultant to the Federal Bureau of Investigation (FBI), where he served on the staff of the FBI 9/11 Review Commission. A decorated combat veteran, Mr. Moreno is a lieutenant colonel in the United States Army Reserve and has served on active duty as a military prosecutor in Europe, the Middle East, and Africa. In 2004, he was awarded the Bronze Star Medal for his service in Iraq, and in 2005 he served as the legal advisor to a multinational counterterrorism task force in Djibouti. Mr. Moreno earned his B.A. from Stony Brook University, a J.D. from St. John's University School of Law, and an M.B.A. from St. John's University Peter J. Tobin College of Business. He is a member of the bars of the State of New York and the District of Columbia, and is admitted as a solicitor in England and Wales. Mr. Moreno is also a certified public accountant (CPA).

Matthew Olsen – Matt Olsen is a co-founder of IronNet Cybersecurity, a technology firm based in Washington, D.C., where he leads business development and strategy. Mr. Olsen also works as a national security analyst for ABC News, an adjunct senior fellow at the Center for a New American Security, and serves on several senior advisory boards for government agencies. He also is affiliated with the Berkman Klein Center at Harvard, where he helps lead a project on cybersecurity. Mr. Olsen serves as an Associate of the National Security Policy Center, and as an Adjunct professor at Harvard Law School and the University of Virginia School of Law. Most recently in government, Mr. Olsen served for three years as the Director of the National Counterterrorism Center under President Obama. Created by Congress in response to the attacks of September 11, 2001, NCTC is responsible for the integration and analysis of terrorism information and strategic operational planning of counterterrorism activities. Prior to joining NCTC, Mr. Olsen was the General Counsel for the National Security Agency (NSA), serving as NSA's chief legal officer and focusing on surveillance law and cyber operations. Mr. Olsen worked at the U.S. Department of Justice (DOJ) in a number of leadership positions. He served as an Associate Deputy Attorney General, responsible for national security and criminal cases. He also was Special Counselor to the Attorney General and Executive Director of the Guantanamo Review Task Force, where he led the review of individuals detained at the Guantanamo Bay Naval Base. Mr. Olsen served as acting Assistant Attorney General for National Security and helped establish the National Security Division. From 1994 to 2006, Mr. Olsen was a federal prosecutor in the U.S. Attorney's Office for the District of Columbia, prosecuting violent gang members, terrorists, and white collar criminals. Mr. Olsen served as Special Counsel to the Director of the Federal Bureau of Investigation from 2004 to 2005. He began his public service career as a trial attorney in the Civil Rights Division of the DOJ. Mr. Olsen is a graduate of Harvard Law School and the University of Virginia. He clerked for the Honorable [] in the U.S. District Court for the District of Columbia.

Philip Potter - Philip Potter is an Associate Professor at the University of Virginia and Director the National Security Policy Center. He specializes in foreign policy, international relations, and terrorism. Professor Potter is the principal investigator for a Department of Defense Minerva Initiative project to map and analyze collaborative relationships between terrorist organizations. He has recently published articles in *International Organization*, *Journal of Politics*, *International Studies Quarterly*, *The Journal of Conflict Resolution*, and the *Annual Review of Political Science*. His book, [War and Democratic Constraint](#) (with Matthew

Baum), is [now available](#) from Princeton University Press. He has been a fellow at Harvard University and the University of Pennsylvania and holds degrees from UCLA and McGill University.

J. Patrick Rowan – Patrick Rowan is a partner at the law firm McGuire Woods. Pat’s practice focuses on criminal and civil enforcement proceedings and internal investigations and he has substantial experience in federal law enforcement, as well as international and national security matters. He also advises corporate clients on compliance with the Foreign Corrupt Practices Act, the ITAR, the EAR and OFAC regulations. Pat spent 18 years in the Department of Justice (DOJ). He most recently served as Assistant Attorney General for National Security. In that Senate-confirmed position, Pat led the National Security Division (NSD), which was formally created by statute in 2006 to bring together all of DOJ’s national security operations under a single authority. As part of his duties, he supervised the government’s practice before the Foreign Intelligence Surveillance Court; the oversight of intelligence-collection activities; the coordinated nationwide counterterrorism enforcement program; the administration of the Foreign Agents Registration Act; and the oversight of all espionage investigations. He also oversaw DOJ’s review of foreign acquisitions of U.S. companies through the interagency Committee on Foreign Investment in the United States (CFIUS). He previously served as the Principal Deputy Assistant Attorney General for the NSD, where he managed DOJ’s national security investigations and prosecutions. In both positions, Pat was responsible for supervising all of DOJ’s prosecutions of export violations. As a result of his DOJ service, he has particular experience in the application of the material support statutes, the Arms Export Control Act, the International Emergency Economic Powers Act, and statutes relating to economic espionage or disclosure of classified information. As the Principal Deputy, he directed the launch and implementation of a nationwide export enforcement initiative, an interagency effort to target the illegal export of sensitive technology and weapons components. Pat continued to lead this initiative as Assistant Attorney General. Pat gained extensive courtroom experience while serving as an assistant U.S. attorney for more than 10 years in Washington, D.C. During his tenure, he handled more than 60 jury trials and a number of arguments before the District of Columbia Circuit Court of Appeals and the District of Columbia Court of Appeals.

Russell Travers – Russell “Russ” Travers took office as the Acting Director of the National Counterterrorism Center (NCTC) on December 24, 2017. He has served in a number of leadership positions within NCTC, including Deputy Director, Senior Counselor to the Director, Acting Director of the Office of Data Strategy and Innovation, and the Chief Data Officer for NCTC and ODNI. Prior to returning to NCTC in 2015, Mr. Travers served for two years as the Special Assistant to the President and Senior Director for Transnational Threat Integration and Information Sharing on the National Security Council (NSC). His focus at the NSC included government-wide improvements in border security and information sharing, and applying lessons learned from U.S. government counterterrorism efforts to other transnational threats. Prior to this assignment, he served from 2011 to 2013 as the Senior Executive for Transnational Organized Crime on the National Intelligence Council, where he was responsible for organizing Intelligence Community analytic support to the National Strategy to Combat Transnational Organized Crime. Mr. Travers also served in an earlier tour with the National Security Council staff in 2010 when he was appointed by the President to run the interagency task force created to oversee the government’s response to the WikiLeaks disclosures. Mr. Travers previously served on the leadership team that stood up the Terrorist Threat Integration Center and the National Counterterrorism Center. From 2003 to 2010 he was Deputy Director for Information Sharing and Knowledge Development, during which time he focused on post-9/11 improvements. Mr. Travers oversaw the development of the Terrorist

Identities Datamart Environment, NCTC's database of known and suspected terrorists, as well as improvements in watchlisting, information sharing and advanced analytic techniques. He has also served tours as Deputy Director for Policy Support at the Defense Intelligence Agency; the Defense Intelligence Officer for General Purpose Forces; the Senior Civilian Advisor to the Director for Intelligence, J2, Joint Chiefs of Staff; and the Defense Intelligence Liaison to British Intelligence in London. He began his career as an intelligence officer in the U.S. Army in 1978. Mr. Travers received Bachelor of Arts degrees in government and economics from the College of William and Mary. He has a Master in Business Administration, and a Juris Doctor from the National Law Center at George Washington University. He has received numerous awards, including the Meritorious Executive Presidential Rank Award.



About the National Security Policy Center

The NSPC contributes solutions to otherwise intractable national security challenges. We seek to increase knowledge, build capability, develop relationships, and improve communication, both within US Government, between US Government and academics, and between the United States and foreign powers. We work from the premise that, when it comes to the most challenging issues in international security, divergent preferences must be taken seriously. The greatest threats to the security of the United States come not from disagreement but from miscalculation. Peace and prosperity are therefore best assured by facilitating informed communication that can convey goals and capabilities accurately and credibly. Toward this end, the NSPC will build “constructive counterparts” across US government and among key international partners who are trained in rigorous analytical methodology and informed by the best research. This will contribute to strategic clarity that will underpin successful foreign policy.