Friday, March 23, 2007

Gerald W. Lynch Theater, John Jay College of Criminal Justice, 899 Tenth Avenue (Between West 58th and 59th), New York City

Schedule: 8:30 A.M. – 6:00 P.M.

8:30 Breakfast and Registration

9:00 Opening Remarks

Jeremy Travis, President, John Jay College of Criminal Justice (CUNY)
Barry Kamins, President, New York City Bar Association

9:30 The Role of International Law in American Courts Through the Lens of Guantánamo Bay

American courts have long debated the role, if any, of international law in American jurisprudence. For instance, in Lawrence v. Texas and Roper v. Simmons, Justice Kennedy cited decisions from several international tribunals. More recently, the Guantánamo cases contain numerous references to international and foreign law. Should international law play a role in American jurisprudence? If so, what is the proper role? More importantly, what is the impact of the Guantánamo cases on such a role?

Chair: Penelope Andrews, CUNY School of Law
Panelists: Karen Greenberg, The Center on Law and Security, NYU School of Law
Julie Mertus, School of International Service, American University
David Turns, University of Liverpool School of Law, UK
Martin Flaherty, Fordham University School of Law
Linda Malone, William and Mary Marshall-Wythe School of Law

11:00 A War of All Dimensions: Criminals, Civilians, and Enemy Combatants in the “War on Terror”
John Walker Lindh, an American citizen who was captured in the battlefields of Afghanistan, plead guilty to criminal law charges and was imprisoned in California, while Yaser Esam Hamdi, another citizen, was classified as an “enemy combatant” and sent to Guantánamo Bay. José Padilla, another American citizen, was arrested on American soil and originally classified as an enemy combatant, while Zacarias Moussaoui, a non-American, was arrested on American soil and received a full-blown American-style trial. This panel will discuss the difference in treatment of these individuals. Who has the power to decide how these individuals are classified? What is the proper role of the judiciary and Congress in this classification? What are the rights of enemy combatants under domestic and international law?

Chair: Michael Strauss, Centre d’Etudes Diplomatiques et Strategiques, France
Panelists: George Andreopoulos, John Jay College of Criminal Justice and the Graduate Center, CUNY
Saby Ghoshray, VP for Development and Compliance, World Compliance Co.
Eric M. Freedman, Hofstra University School of Law
Johannes Van Aggelen, Office of the High Commissioner for Human Rights, UN

12:15 LUNCH

1:00 REMARKS BY DEAN MICHELLE ANDERSON, CUNY SCHOOL OF LAW

KEYNOTE LECTURE

Jordan Paust, University of Houston Law Center

1:45 GUANTÁNAMO’S IMPACT ON DOMESTIC ISSUES

This panel will highlight the effect of the “War on Terror” and the Guantánamo cases on domestic issues. For instance, the Bush administration justified its domestic spying on American citizens on two grounds: the Authorization of the Use of Military Force (AUMF), and the President’s powers under Article II of the Constitution. As to the former, the Supreme Court held in Hamdan that the AUMF does not allow the President to establish military tribunals to try enemy combatants. Does the AUMF, then, justify the President’s domestic spying program? As to the latter, does Article II of the Constitution authorize the President to engage in domestic spying on Americans? This panel will also discuss Guantánamo’s impact on issues of immigration and executive detention of American citizens.

Chair: Ruthann Robson, CUNY School of Law
Panelists: Jonathan Hafetz, Brennan Center for Justice
Jason Mazzone, Brooklyn Law School
Shane Kadidal, Center for Constitutional Rights
Jameel Jaffer, American Civil Liberties Union

3:15 BREAK

3:30 LITIGATION IN PROGRESS

This panel will allow scholars and practitioners to briefly introduce their current Guantánamo caseload and receive valuable feedback, discussion, and advice from the symposium audience.

Chair: Sameer Ashar, CUNY School of Law
Panelists: Anant Raut, Weil, Gotshal & Manges LLP
Major Michael Mori, United States Marine Corps Judge Advocate General
Andrew Patel, counsel for Jose Padilla
Donna Newman, previous counsel for Jose Padilla
Martha Rayner, Fordham School of Law

5:00 RECEPTION AND DINNER (BY INVITATION)