National Security, Emerging Technologies, and the Law
March 23-24 | 2018

A SYMPOSIUM ORGANIZED BY
I/S: A Journal of Law and Policy for the Information Society and The American Bar Association Standing Committee on Law and National Security

With Additional Sponsorship from the Moritz College of Law, The Center for Interdisciplinary Law and Policy Studies, and the Program on Data and Governance
“National Security, Emerging Technologies, and the Law” is a multidisciplinary exploration of emerging technologies that have profound implications for our national security and which pose important issues of both law and policy. Although lawyers and elected policymakers may have little understanding of the technical issues regarding cybersecurity or emerging capabilities in artificial intelligence, quantum computing, and cryptography, both the public and private sectors need to prepare for the global role such technologies will increasingly play.

Panels on Friday, March 23, 2018 will explain the new technologies and explore their national security implications. Experts will consider whether the U.S. has the optimal institutional arrangements in place for both effective defense and strategic decision making, and whether our government has the skills and personnel adequate to stay ahead of the technology. The day’s discussion is intended to shed light on what roles government needs the private sector and the academy to play, and the kinds of oversight and public input that will be necessary to assure legal and political accountability for decision making regarding new technologies in the national security domain. Panels on Saturday morning, March 24, 2018, will discuss how the role of technology in national security can effectively be taught in law schools, as well as the role of ethics in the use of national security technologies.

Our lunch hour keynote speaker on Friday, March 23, will be best-selling author and award-winning journalist David Ignatius, who will engage in conversation on the writing of both fiction and nonfiction focused on technology and national security.

Our conference represents a collaboration between I/S: A Journal of Law and Policy with the Standing Committee on Law and National Security (SCOLANS) of the American Bar Association. It is co-sponsored by the Moritz College of Law, and the College’s Center for Interdisciplinary Law and Policy Studies and its Program on Data and Governance.
FRIDAY, MARCH 23, 2018

EXCEPT AS NOTED, ALL EVENTS AT SAXBE AUDITORIUM, MORITZ COLLEGE OF LAW

8-9 A.M.  REGISTRATION AND CONTINENTAL BREAKFAST

9-9:15 A.M.  WELCOME
- Peter M. Shane, Jacob E. Davis & Jacob E. Davis II Chair in Law, Moritz College of Law
- Judge James E. Baker, Chair, ABA Standing Committee on Law and National Security (SCOLANS)
- Alan Michaels, Dean, Moritz College of Law

9:15-10:30 A.M.  PANEL 1: Artificial Intelligence and National Security
- Moderator: Dakota Rudesill, Assistant Professor of Law, Moritz College of Law
- Peter M. Asaro, Associate Professor, School of Media Studies, The New School
- Erin Hahn, Senior National Security Analyst, Johns Hopkins University Applied Physics Laboratory
- Alan Schuller, Lt. Col., U.S. Marine Corps, Military Professor, Stockton Center for the Study of International Law, U.S. Naval War College

10:30-10:45 A.M.  BREAK

10:45 A.M.-NOON  PANEL 2: The Future of Digital Intelligence: Artificial Intelligence, Cyber, Quantum Computing, and Cryptography
- Moderator: Judge James E. Baker, Chair, SCOLANS
- Robert S. Litt, former general counsel to the Office of the Director of National Intelligence and Of Counsel, Morrison & Foerster
- Peter Weinberger, Software Engineer, Google

12:15-1:30 P.M.  LUNCH AND KEYNOTE: Spywriting: Writing Fiction and Nonfiction About National Security and Technology
- David Ignatius, Associate Editor and Columnist, The Washington Post, and author of The Quantum Spy, The Director, and Body of Lies, interviewed by Professor Peter Shane

1:45-3 P.M.  PANEL 3 — The Future of Digital Intelligence: Artificial Intelligence, Cyber, Quantum Computing, and Cryptography
- Moderator: Harvey Rishikof, Chair, Advisory Committee, SCOLANS
- Jason Healey, Senior Research Scholar, International and Public Affairs Columbia University
- Peter Weinberger, Software Engineer, Google
- Terry Roberts, Founder, President and CEO, WhiteHawk Inc.

3-3:15 A.M.  BREAK

3:15-4:45 P.M.  PANEL 4: Issues of Government Organization, Capacity and Accountability
- Moderator: Peter M. Shane
- Diana S. Dolliver, Assistant Professor and Academic Director, Joint Electronic Crimes Task Force, University of Alabama Department of Criminology and Criminal Justice
- Herb Lin, senior research scholar for cyber policy and security, Center for International Security and Cooperation and Hank J. Holland Fellow in Cyber Policy and Security, Hoover Institution, Stanford University
- Robert S. Litt, former general counsel to the Office of the Director of National Intelligence and Of Counsel, Morrison & Foerster

4:45-5:30 P.M.  RECEPTION FOR ALL ATTENDEES (Trism)

6:00-8:00 P.M.  DINNER FOR CONFERENCE SPEAKERS, AND INVITED OSU FACULTY, AND JOURNAL STUDENTS (Barrister Club)
SATURDAY, MARCH 24, 2018

ALL EVENTS AT SAXBE AUDITORIUM, MORITZ COLLEGE OF LAW

8-9 A.M. CONTINENTAL BREAKFAST

9-9:05 A.M. WELCOME
- Dakota Rudesill, Assistant Professor of Law, Moritz College of Law

9:05-10:30 A.M. PANEL 5: Teaching Emerging Technologies and National Security
- Moderator and Discussant: Dakota Rudesill
- Michael Specter, Computer Science and Artificial Intelligence Laboratory, MIT
- Nicole Kraft, Assistant Professor, Clinical Faculty, Ohio State University School of Communication

10:30-10:45 A.M. BREAK

- Judge James E. Baker
- Jeff Alstott, Program Manager, Intelligence Advanced Research Projects Activity (IARPA)

DAVID IGNATIUS
Keynote
Author; Journalist, The Washington Post


JEFF ALSTOTT

Jeff Alstott is a Program Manager for Artificial Intelligence in the Intelligence Advanced Research Project Activity under the Office of the Director of National Intelligence. He received an MBA from Indiana University and a PhD from the University of Cambridge in complex systems. He was a research fellow in the SUTD-MIT postdoctoral programme, where he studied technology development, both building tools to predict it and researching how to direct it. Dr. Alstott has also built fraud-detection software for the World Bank, written a popular statistical software package for researchers, and co-founded a startup using machine learning to power reading acceleration software. Dr. Alstott wants to help policymakers use evidence to make strategic decisions about science and technology.
Dr. Diana S. Dolliver is an assistant professor and cyber criminologist in the Department of Criminology and Criminal Justice at the University of Alabama. She also serves as the academic director for the region’s Joint Electronic Crimes Task Force (JECTF), which houses the Network Intrusion Lab (NIL). Dolliver’s areas of expertise include Tor-based criminality, drug trafficking, law enforcement, and digital forensics. Her current research projects involve studying cybersecurity risks, drug trafficking, and weapons markets on the Tor Network. More broadly, Dolliver examines socio-cultural aspects of cybercrime, transnational organized crime and drug trafficking, and the existing links between these criminal phenomena. She has presented her research internationally, to include conferences in Poland and China.

Dr. Peter Asaro is a philosopher of science, technology, and media. His work examines artificial intelligence and robotics as a form of digital media, the ethical dimensions of algorithms and data, and the ways in which technology mediates social relations and shapes our experience of the world. His current research focuses on the social, cultural, political, legal, and ethical dimensions of robotics and artificial intelligence.

Asaro has developed technologies in the areas of virtual reality, data visualization and sonification, human-computer interaction, computer-supported cooperative work, artificial intelligence, machine learning, robot vision, and neuromorphic robotics. He was also involved in the design of the natural language interface for the Wolfram|Alpha computational knowledge engine for Wolfram Research.

Judge Baker retired from the United States Court of Appeals for the Armed Forces in 2015 after fifteen years of service, the last four as Chief Judge. He is currently the Chair of the ABA Standing Committee on Law and National Security and is the Robert Wilhelm Fellow at the Center for International Studies at MIT. He previously served as Special Assistant to the President and Legal Adviser to the National Security Council (NSC) (1997-2000), Deputy Legal Adviser to the NSC (1994-1997), and Counsel to the President’s Foreign Intelligence Advisory Board and Intelligence Oversight Board. He is the author of In the Common Defense: National Security Law for Perilous Times (Cambridge) and, with Michael Reisman, Regulating Covert Action (Yale).

Erin Hahn is a senior national security analyst at the Johns Hopkins University Applied Physics Laboratory. She supervises the Strategy and Organizational Analysis Section, which focuses on organizational, policy, and process issues that underlie problems faced by decision makers. Hahn’s recent work includes analysis of autonomous systems; the feasibility of cyber norms; issues related to unconventional warfare; the nexus of legal and ethical issues with nuclear strategy; synthetic biology; and human enhancement technology. She co-chairs the International Panel on the Regulation of Autonomous Weapons, which will inform the discussions of the United Nations Group of Government Experts for Lethal Autonomous Weapons Systems over the next two years.
Herb Lin is the Senior Research Scholar for Cyber Policy and Security at the Center for International Security and Cooperation and Hank J. Holland Fellow in Cyber Policy and Security at the Hoover Institution. His research interests relate broadly to policy-related dimensions of cybersecurity and cyberspace, with particular interest in the use of offensive operations in cyberspace, especially as instruments of national policy. Lin is also Chief Scientist, Emeritus for the Computer Science and Telecommunications Board, National Research Council (NRC) of the National Academies, and Adjunct Senior Research Scholar and Senior Fellow in Cybersecurity (not in residence) at the Saltzman Institute for War and Peace Studies. He recently served on President Obama’s Commission on Enhancing National Cybersecurity.

Jason Healey is a Senior Research Scholar at Columbia University’s School for International and Public Affairs specializing in cyber conflict, competition and cooperation. Prior to this, he was the founding director of the Cyber Statecraft Initiative of the Atlantic Council where he remains a Senior Fellow. He is the editor of the first history of conflict in cyberspace, A Fierce Domain: Cyber Conflict, 1986 to 2012. From 2003 to 2005 he was Director for Cyber Infrastructure Protection at the White House, advising the President and coordinating US efforts to secure US cyberspace and critical infrastructure. He started his career in the United States Air Force and was a plankholder (founding member) of the Joint Task Force – Computer Network Defense, the world’s first joint cyber warfighting unit.

Nicole Kraft spent 25 years as an award-winning reporter, editor and magazine journalist, while working also in public relations for professional sports and government communications. She joined the Ohio State School of Communication, and her classes include Media Writing and Editing, Sports Media, Magazine Writing, and Media Law and Ethics. Her focus in teaching and research has been in utilizing technology in journalism and global education, as well as the intersection of sports and society and the myth of the digital native. Nicole has published the interactive books “Always Get the Name of the Dog: A guide to media interviewing” and “Writing Like Rabbits: A guide to becoming a magazine writer.” In 2015 Nicole was named an Apple Distinguished Educator. She is also an active journalist, writing numerous magazine features and covering sports for the Associated Press and Columbus Dispatch.

Robert Litt is of counsel in the Washington office of Morrison & Foerster, after serving seven-and-a-half years as the Senate-confirmed general counsel to the Office of the Director of National Intelligence. Litt previously held positions in the Department of Justice, the State Department, and the United States Attorney’s Office for the Southern District of New York, and was a partner at two law firms. He began his professional career as a law clerk for Judge Edward Weinfeld in the Southern District of New York and for Justice Potter Stewart of the U.S. Supreme Court. He holds a B.A. from Harvard College and an M.A. and J.D. from Yale University.
Harvey Rishikof is the Chair of the Advisory Committee of the American Bar Association Standing Committee on Law and National Security. He is the former Director and Convening Authority for the Office of Military Commissions. Prior to that post, Mr. Rishikof was senior counsel in Crowell & Moring’s Privacy & Cybersecurity and Government Contracts groups in Washington, D.C., and the dean of faculty, National War College at the National Defense University, Washington, D.C. He most recently served as senior policy advisor to the National Counterintelligence Executive (NCIX). He has also served at the FBI as a legal counsel to the deputy director of the FBI focusing on national security and terrorism and served as liaison to the Office of the Attorney General at the Department of Justice.

Lieutenant Colonel Alan L. Schuller served as an artillery officer before becoming a judge advocate. He served as the Staff Judge Advocate (SJA), 3d Marine Aircraft Wing (Forward) while deployed to Afghanistan in 2010. He deployed in 2013 as the SJA for Special Purpose Marine Air-Ground Task Force - Crisis Response in support of operations in U.S. Africa Command, and again in 2014 as SJA of the 24th Marine Expeditionary Unit where he supported operations in U.S. Central Command. Schuller currently serves as associate director of the Stockton Center for the Study of International Law at the U.S. Naval War College, where his research is focused on autonomy in weapon systems.

Terry Roberts has established the first CyberSecurity Online Exchange - enabling all businesses (especially mid-sized and small companies) to have continuous online access to tailored learning, smart buying and connections, to the best products, services, insights and trends industry wide. Previously Terry was the TASC VP for Cyber Engineering and Analytics, running all Cyber/IT, Financial and Business Analytics cross cutting, innovative technical services. Prior to TASC, Terry was an Executive Director of the Carnegie Mellon, Software Engineering Institute, leading the technical body of work for the entire US Interagency, with a special focus on leveraging and transitioning commercial innovation and acquisition excellence to government programs and capabilities and establishing the Emerging Technologies Center and Cyber Intelligence Consortium. Terry Roberts is the Chair Emeritus of the Intelligence and National Security Alliance (INSA) Cyber Council since 2010.

Michael Specter is a PhD student at the Massachusetts Institute of Technology studying Electrical Engineering and Computer Science. He works with the MIT Lincoln Laboratory, the MIT Computer Science & Artificial Intelligence Lab, and the MIT Internet Policy Research Initiative. His research is at the nexus of cryptography, policy, economics and systems security. Prior to his doctoral research, he previously worked in the Cyber Security and Information Sciences division of the MIT Lincoln Laboratory, researching systems security and vulnerabilities. He co-authored the paper Keys Under Doormats: Mandating Insecurity by Requiring Government Access to All Data and Communications, for which he was awarded the 2016 EFF Pioneer Award and the M3AAWG J.D. Falk Award.
Peter Weinberger has a PhD in mathematics from Berkeley. For the last 14 years he has been a software engineer at Google in New York. Before that he worked at Renaissance Technologies, a successful hedge fund, as Head of Technology. And before that he did computer science research and research management at Bell Laboratories in Murray Hill, ending up as Information Sciences Research Vice President. Independently of all that, he has been a member of various organizations giving technical advice to the federal government. Examples include National Academy of Sciences studies on election security and electronic voting, bulk surveillance (in the context of PPD28), cybersecurity foundations, and most recently, ‘going dark’ (law enforcement, smart phone encryption, and encrypted communications). Also, he is the past chair of the Information Security and Privacy Advisory Board, chartered by the Federal Information Security Management Act to give advice to OMB and NIST/Department of Commerce.

ABOUT I/S: A JOURNAL OF LAW AND POLICY FOR THE INFORMATION SOCIETY

I/S: A Journal of Law and Policy for the Information Society is an interdisciplinary journal of research and commentary concentrating on the intersection of law, policy, and new information and communication technologies. I/S represents a one-of-a-kind collaboration between students and faculty at one of America’s leading law schools, The Ohio State University Moritz College of Law, and a distinguished international editorial board, including prominent faculty at Carnegie Mellon University, which helped to launch the I/S journal.

As one of only a handful of interdisciplinary journals in the field, I/S is devoted to publishing outstanding research and writing that addresses the legal and policy aspects of e-government and electronic democracy, cybersecurity, online privacy, public information policy, e-commerce, information technology and economic development, telecommunications regulation, or any other aspect of the social, economic, political, or cultural implications of information technology. I/S publishes two times a year, including its annual symposium issue, and is especially interested in receiving manuscripts on cybersecurity and electronic privacy law and policy.

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