

Duke-Virginia Foreign Relations Law Roundtable
Transparency, Secrecy, and Monitoring in Foreign Relations Law
September 28, 2019
Room 3000, Duke Law School

Friday, September 27

6:10 pm *Shuttle departs from hotel entrance for dinner*

6:30 pm *Informal dinner for participants*
Mothers & Sons Trattoria

Saturday, September 28

8:30 – 9:00 am *Continental Breakfast*
Room 3000, Duke Law School

9:00 – 10:00 am **Session I: Negotiating and Concluding
International Agreements**

Curtis Bradley, *Limitations of the Transparency Regime
for Executive Agreements*

Oona Hathaway, *Evaluating the Transparency Regime for
Executive Agreements: A Qualitative and Quantitative
Assessment*

Jide Nzelibe, *Fighting in Secret: A Strategy for Taming Identity
Politics in International Law*

Ganesh Sitaraman, *Normalizing Foreign Relations Law: Scattered
Thoughts on Secrecy, Transparency, Participation, and
Accountability, with an Eye Toward Trade Law*

Commentator: Kristen Eichensehr

10:00 – 10:15 am *Coffee Break*

10:15 – 11:15 am **Session II: Executive Branch Legal Reasoning**

Jean Galbraith, *DOJ Views Letters, Transparency, and
Historical Practice*

Monica Hakimi, *Legal Transparency in U.S. Foreign Affairs*

Rebecca Ingber, *International Law Inside the State*

Commentator: Curt Bradley

11:15 – 11:30 am *Coffee Break*

11:30 am – 12:30 pm	<p>Session III: National Security, Accountability, and Whistleblowing</p> <p>Marty Lederman, <i>Why is it So Hard to Acknowledge Covert Action?</i></p> <p>Kaeten Mistry, <i>The Paradox of National Security Whistleblowing: A History of the Phenomenon</i></p> <p>Dakota Rudesill, <i>Repurposing Transparency, Accountability, and Reporting Statutes to Build Process and Process Norms Regarding Use of Nuclear Weapons</i></p> <p>Matthew Waxman, <i>Waging Covert War</i></p> <p>Commentator: Ashley Deeks</p>
12:30 – 1:30 pm	<p><i>Lunch</i></p> <p>Third Floor Mezzanine, Duke Law School</p>
1:30 – 1:45 pm	<p><i>Group Photo</i></p>
1:45 – 2:45 pm	<p>Session IV: Cybersecurity, Surveillance, and Big Data</p> <p>Elena Chachko, <i>Toward Greater Cyber Transparency?</i></p> <p>Ashley Deeks, <i>Technology Companies and Government Secrecy</i></p> <p>Kristen Eichensehr, <i>Transparency, Cybersecurity, and Oversight</i></p> <p>Paul Stephan, <i>The Ideal of Transparency and the Value of Big Data</i></p> <p>Commentator: Monica Hakimi</p>
2:45 – 3:00 pm	<p><i>Coffee Break</i></p>
3:00 – 4:00 pm	<p>Session V: Wrap-up: Tradeoffs of Transparency and the Challenges of Oversight and Reform</p> <p>Mary DeRosa, <i>Transparency in National Security: Why is Reform so Difficult?</i></p> <p>David Pozen, <i>Seeing Transparency More Clearly</i></p> <p>Sudha Setty, <i>The Vulnerability of Transparency</i></p> <p>Commentator: Oona Hathaway</p>
6:10 pm	<p><i>Shuttle departs from hotel entrance for dinner</i></p>
6:30 pm	<p><i>Reception and Dinner for Participants</i></p> <p>Nana's Restaurant</p>