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  
**Session III: National Security, Accountability, and Whistleblowing**

Marty Lederman, *Why is it So Hard to Acknowledge Covert Action?*


Dakota Rudesill, *Repurposing Transparency, Accountability, and Reporting Statutes to Build Process and Process Norms Regarding Use of Nuclear Weapons*

Matthew Waxman, *Waging Covert War*

Commentator: Ashley Deeks

12:30 – 1:30 pm  
*Lunch*

Third Floor Mezzanine, Duke Law School

1:30 – 1:45 pm  
*Group Photo*

1:45 – 2:45 pm  
**Session IV: Cybersecurity, Surveillance, and Big Data**

Elena Chachko, *Toward Greater Cyber Transparency?*

Ashley Deeks, *Technology Companies and Government Secrecy*

Kristen Eichensehr, *Transparency, Cybersecurity, and Oversight*

Paul Stephan, *The Ideal of Transparency and the Value of Big Data*

Commentator: Monica Hakimi

2:45 – 3:00 pm  
*Coffee Break*

3:00 – 4:00 pm  
**Session V: Wrap-up: Tradeoffs of Transparency and the Challenges of Oversight and Reform**

Mary DeRosa, *Transparency in National Security: Why is Reform so Difficult?*

David Pozen, *Seeing Transparency More Clearly*

Sudha Setty, *The Vulnerability of Transparency*

Commentator: Oona Hathaway

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

6:30 pm  
*Reception and Dinner for Participants*

Nana’s Restaurant