

THE PROTECTION OF HOMELAND SECURITY INFORMATION

An Academic Conference

Presented by WCL's Collaboration on Government Secrecy

April 27, 2011

10:00 a.m. – 4:00 p.m.

**American University Washington College of Law
4801 Massachusetts Avenue, NW, Room 603, Washington, DC**

This program is the Collaboration on Government Secrecy's third academic conference on legal issues of major significance such as personal privacy (April 2009) and the state secrets privilege (November 2009). For this conference, it gathers both academic and government experts to discuss the protection of information of current homeland security sensitivity as we near the tenth anniversary of the seminal events of September 11, 2001. They will examine the post-9/11 emergence of "homeland security information" as a distinct information category amid traditional law enforcement information and classified national security information, assess the impact of the Supreme Court's very recent rejection of "anti-circumvention" protection under Exemption 2 of the FOIA in *Milner v. Department of the Navy*, and also focus on the unauthorized disclosure of government information as a matter of both growing academic interest and prospective civil litigation concern.

9:30 a.m. Registration and Continental Breakfast

10:00 a.m. Welcome and Opening Remarks -- *Daniel J. Metcalfe*, Executive Director, Collaboration on Government Secrecy, Washington College of Law

10:10 a.m. Keynote Presentation -- *Joe D. Whitley*, Partner, Greenberg Traurig, and Former General Counsel, Department of Homeland Security

10:45 a.m. The Post-9/11 Continuum: From Law Enforcement to Homeland Security to National Security

Michael Greenberger, Founder and Director, Center for Health and Homeland Security, and Professor, School of Law, University of Maryland; *Daniel Marcus*,

Fellow in Law and Government, Washington College of Law; *Kate A. Martin*, Director, Center for National Security Studies; and *Robert G. Vaughn*, Professor of Law, Washington College of Law (moderator)

11:45 a.m. High Noon for “High 2” . . . and Beyond

Louis Fisher, Scholar-in-Residence, The Constitution Project, and former Specialist in Constitutional Law, Library of Congress; *William Holzerland*, Associate Director for Disclosure Policy and FOIA Program Development, Office of the Chief Privacy Officer, Department of Homeland Security; *Jeffrey S. Lubbers*, Professor of Practice in Administrative Law, Washington College of Law; and *Daniel J. Metcalfe* (moderator)

1:00 p.m. Luncheon Presentation -- *James T. O’Reilly*, Visiting Professor of Law, University of Cincinnati School of Law, and Author, *Federal Information Disclosure* (West Publishing, 1977 to date)

2:30 p.m. The Legal Effects of Leaks, Wiki or Otherwise

Michael C. Doyle, Supreme Court Correspondent, McClatchy Newspapers, and Professorial Lecturer, School of Media and Public Affairs, George Washington University; *William H. Leary*, Senior Director, National Security Council; *Stephen J. Wermiel*, Fellow in Law and Government and Associate Director, Summer Law Institute on Law and Government, Washington College of Law; and *Stephen I. Vladeck*, Professor of Law, Washington College of Law (moderator)

General Registration -- no charge.

CLE Accreditation (4 credits) will be applied for -- CLE Registration -- \$95

To register, please go to www.wcl.american.edu/secle/registration.

For further information, please contact: Office of Special Events & Continuing Legal Education, 202.274.4075 or secle@wcl.american.edu.

Major support for this CGS program has been provided by the Open Society Institute’s Transparency and Integrity Fund and its National Security and Human Rights Campaign.