

Created in the wake of 9/11, SU's Institute for National Security and Counterterrorism commemorates 10 years of cutting-edge research, education and policy analysis on a broad array of security challenges.

# BEYOND AL-QAEDA

*By Renée Gearhart Levy*



In mid-September, academics and practitioners from across the country convened at Syracuse University to discuss the teaching of national security law and the training of future law and international affairs practitioners in the field. The annual conference on Teaching Law and National Security was the third of its kind, sponsored by the American Bar Association, and for the first time, jointly co-sponsored by SU's Institute for National Security and Counterterrorism (INSCT).

"The conference mirrors the INSCT portfolio perfectly because the agenda focuses on the intersection of international affairs and national security law," says William Banks, director of INSCT and Board of Advisors Professor of Law at SU.

INSCT's co-sponsorship of this year's conference illustrates perfectly the leadership position the institute has developed in the 10 years since its creation, when it was founded in the wake of 9/11. In a decade, INSCT has developed an international reputation for cutting-edge interdisciplinary research,

post-conflict reconstruction, victim compensation, and climate security. The commonality is that they are all complex security challenges that benefit from INSCT's interdisciplinary framework.

From the beginning, INSCT has been a joint enterprise of both the SU College of Law and the Maxwell School of

since 2006 in conjunction with ICT. A second volume, on counterinsurgency, is in production at Oxford University Press, and more publications are forthcoming.

Dean Arterian says the interdisciplinary nature of the program is "Bill's DNA" and the program is built on that. "The students live that beyond their classes together—they work together outside of class, they are partners in an interdisciplinary graduate student group. They have the unique advantages of learning through interaction how other disciplines approach problems, which adds to their own skill set," she says.

Educating the next generation of national security professionals is a key part of its mission and INSCT offers three certificate programs, open to any SU graduate student, although most hail from the College of Law or Maxwell School. Since 2003, the program has offered a 15-credit National Security and Counterterrorism Law Certificate. In 2006, it added a 12-credit Certificate of Advanced Study in Security Studies, and in 2010, a 12-credit Certificate in Post-conflict Reconstruction, awarding 383 certificates of advanced study over the past decade. INSCT also sponsors an international summer study program that allows SU graduate students to study at ICT and brings Israeli students to SU for direct engagement with security scholars and experts at their partner universities.

The programs are in high demand, attracting a mix of what Banks calls "students challenged by the security v. liberty tensions we confront every day. We're offering credentials that are timely in today's job market, but students are also attracted by our interdisciplinary approach to problem-solving," he says.

Eric Oddo was a Maxwell MPA student when he became interested in emergency management after attending a Banks led practicum session examining rail security. He went on to earn a Certificate of Advanced Study (CAS) in Security Studies in 2008 and today works for the University of Maryland Center for Health and Homeland Security. The program "went a long way in establishing a foundational interest and familiarity with homeland security and national security issues," Oddo says.



David F. Everett L'76 Speaker Series meeting with the 10th Mountain Division.

graduate and legal education, public service, and policy analysis on law and policy challenges related to security and counterterrorism.

"I do not believe there is any institute of this caliber that compares," says Hannah Arterian, Dean of the SU College of Law.

INSCT owes its success, in part, to the ability to develop and expand programs to meet shifting threats and challenges in this rapidly evolving field. "We're always looking for the next new battlefield," says Banks, one of the nation's pre-eminent experts in national security law and author of the seminal textbooks in the field. "We're trying to focus on what's coming and stay out ahead."

Ten years ago, that was counterterrorism with a focus on threats such as al-Qaeda. Today, the array of security challenges is broader and includes cybersecurity, the relationship between Islam and Western laws of war,

Citizenship and Public Affairs, bringing together top legal minds with experts in public and international affairs to approach issues from multiple vantage points. Other collaborators include faculty from the SU schools of engineering, information studies, and public communications, as well as a longstanding partnership with the Institute for Counter-Terrorism (ICT) at the Interdisciplinary Center, Herzliya, Israel's first private university.

For Banks, those interactions are the highlight of his job. "I love the exchanges and opportunities to work with people from different fields across the globe," says Banks, who is editor-in-chief of the *Journal of National Security Law & Policy*, produced jointly by INSCT and the Georgetown University School of Law. He's also editor of *New Battlefields/Old Laws: Critical Debates on Asymmetric Warfare*, an anthology of scholarly essays resulting from INSCT's first major research project, ongoing





**Front Row:** Nick Armstrong, Research Fellow; Marlene Diamond, Administrative Specialist; Corri Zoli, Research Professor **Back Row:** Casey Carey, Army War College Fellow; Isaac Kfir, Visiting Professor; William Banks, Director; Robert Murrett, Deputy Director; David Crane, Professor; Keli Perrin, Assistant Director

Brendan Gilbert was a second-year law student the year INSCT was created. He became one of the first to earn a certificate in National Security and Terrorism, a course of study that greatly influenced his career path. After earning his law degree, Gilbert spent six years in the Army, serving as a JAG lawyer, a paratrooper in Afghanistan, and a prosecutor for Guantanamo Bay detainees. He then joined the CIA as an assistant general counsel and now works in private practice representing national companies in liability cases regarding trade secrets.

“The primary tool of the INSCT program that I continue to use today is critical thinking. Professor Banks taught us—by showing us—never to let political bias play a role in analyzing a problem,” Gilbert says. “We learned to look at each issue objectively, break it down to its core elements, and then apply what we knew. This is especially important in an area of law that is largely unwritten. We have almost no case law or historical precedent beyond the last 11 years for what we have encountered.”

In addition to the practical training the program provides, students are eager for the opportunity to interact with movers and shakers in the field,

including Banks; Maxwell Dean James Steinberg, who most recently served as Deputy Secretary of State in the Obama administration; former Maxwell Dean Mitchell Wallerstein, now president of Baruch College and former Deputy Assistant Secretary of Defense in the Clinton administration; Vice Admiral Robert Murrett, former director of the National Geospatial-Intelligence Agency and the new deputy director of INSCT; or Colonel Casimir C. Carey III, a U.S. Army military intelligence officer who is the Army War College Fellow at INSCT for 2012-13.

For the first time last winter, INSCT expanded its educational offerings beyond the SU campus through a non-credit online course for working professionals on cybersecurity, a growing area of focus.

INSCT, working with partners on the SU campus, offers expertise to the United States government and others on engineering, policy, and legal problems arising from our reliance on networks in critical infrastructure.

“There’s very little cybersecurity policy and even less firmly embedded law,” says Banks, who is also writing articles on cyber-war that explore the theoretical bases for regulating warfare

that has no direct kinetic effects.

During the past two years, INSCT has hosted several events to analyze legal and policy issues related to Internet anonymity, considered by experts as the key factor in reducing cybercrime and security breaches. It’s a fine line between maintaining security and protecting freedom and rights.

Says Banks, “Those challenges are what keep us coming to work every day.”

