



## **FOREIGN INTELLIGENCE SURVEILLANCE IN AN ERA OF “BIG DATA” IS THERE A NEED TO RECALIBRATE BOUNDARIES?**

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**Friday, May 2, 2014 9:30am – 4:00pm**

(complimentary program; lunch on your own)

**Jacob Burns Moot Court Room, George Washington Law School**

(located inside the Lerner Hall Building, corner of 20<sup>th</sup> Street and H Street, N.W., Washington, DC)

**Introduction - William Banks**, Director, Institute for National Security and Counterterrorism, Syracuse University College of Law

**Panel I (9:35 - 10:50am) - Why Do We Conduct Foreign Intelligence Surveillance? What Are The Requirements?**

**Moderator: Harvey Rishikof**, Director of Cybersecurity and the Law, The iSchool, Drexel University; Chair, ABA Standing Committee on Law and National Security Advisory Committee

**Judge James Baker**, Chief Judge, U.S. Court of Appeals for the Armed Forces

**Michael Leiter**, Senior Counselor to the Chief Executive Officer, Palantir Technologies

**Ken Wainstein**, Partner, Cadwaladar, Wickersham & Taft LLP

**Panel II (11:00am - 12:15pm) - Making the Trade-Offs Between Surveillance and Civil Liberties**

**Moderator: John Shenefield**, Counsel, Morgan Lewis

**Joel Brenner**, Principal, Joel Brenner LLC

**Robert Litt**, General Counsel, Office of the Director of National Intelligence

**Kate Martin**, Director, Center for National Security Studies

**Lunch (12:15 - 1:15pm) - On your own**

**Panel III (1:30 - 3:30pm)- Prospects for Reform: Title I, 215, 702, FISC**

**Moderator: Peter Raven-Hansen**, Glen Earl Weston Research Professor of Law, George Washington Law School

**Judge John Bates**, District Judge, U.S. District Court for the District of Columbia

**Steven Bradbury**, Partner, Dechert LLP

**Laura Donohue**, Professor of Law and Director, Center on National Security and the Law, Georgetown Law

**Orin Kerr**, Fred C. Stevenson Research Professor of Law, George Washington Law School

**Julian Sanchez**, Research Fellow, Cato Institute

**Judge Patricia Wald**, Former Chief Judge, U.S. Court of Appeals for the District of Columbia

The morning portion of the conference will step back from the recent attention given to the Snowden disclosures and will revisit foundational issues (e.g., why do we conduct foreign intelligence surveillance? What are the requirements, and what are the costs and benefits of meeting them? What civil liberties are threatened by the surveillance and how are they impacted?) In the afternoon we examine FISA reform possibilities in light of national security needs and the appropriate preservation of personal privacy. Such questions have been raised pointedly by the debate stemming from the changes in personal behavior in an era of “big data” and revelations about NSA surveillance programs. Overall, the conference will ask whether there is a need to recalibrate the boundaries between surveillance and civil liberties, and what that recalibration implies for FISA reform.