PRESERVING CIVIL LIBERTIES IN AN AGE OF GLOBAL TERROR: INTERNATIONAL PERSPECTIVES

WEDNESDAY–THURSDAY, SEPTEMBER 20–21, 2006
With the fifth anniversary of the September 11, 2001 terrorist attacks on the United States upon us, it is clear that global terror and the war against it will continue profoundly to affect constitutional democracies and call into question the optimal balance between liberty and security for years to come. Through adoption of the Patriot Act, the creation of military commissions, indefinite detentions at Guantanamo Bay, coercive interrogations, and new domestic surveillance measures, the United States has significantly curtailed liberty to achieve greater security. Some of the changes introduced to better fight the war on terror have been held to violate the U.S. Constitution or international or domestic law by the U.S. Supreme Court in its decisions in *Hamdi* and *Rasul* in 2004 and *Hamdan* in 2006. Have these measures been unnecessary? Unproductive? Excessive? A pretense to enhance executive power? Or have the Supreme Court’s decisions been unwise and likely to unduly hamper the struggle against a deadly, elusive, and ever-changing enemy?
The United States is hardly alone in having to face these questions. Spain and the UK, among others, have also experienced recent terrorist attacks, and they as well as numerous additional countries throughout the world have also adopted new strategies, laws and policies to counter global terror. In addition, in several countries, the highest courts have been called upon to consider the pursuit of the war on terror in terms of the balance between liberty and security.

Preserving Civil Liberties in an Age of Terror: International Perspectives will bring together judges, scholars, and government officials who have been involved in antiterrorist efforts from a number of key countries in order to compare differing approaches to the war on terror and to explore alternatives that might optimize the balance between liberty and security. The discussion will center around the acclaimed book, Protecting Liberty in an Age of Terror (2005) by Philip Heymann and Juliette Kayyem of Harvard University, which offers a set of concrete standards defining, with some precision, the scope of governmental authority in this setting. Professors Heymann and Kayyem will explain their proposals for achieving the proper balance between liberty and security and participate in the discussions throughout the conference. The specific topics to be discussed include: indefinite detention and coercive interrogations; domestic intelligence; surveillance of religious and political meetings; distinctions based on group membership; and information collection using new technologies.
PARTICIPANTS

Prof. Daphne Barak-Erez ............ Tel Aviv University, Faculty of Law, Tel Aviv, Israel
Prof. Cyrille Bégorre-Bret ........... École Normale Supérieure, Paris, France
Arthur Chaskalson .................... President, International Commission of Jurists; Former President, Constitutional Court of South Africa
Olivier Dutheillet de Lamothe .......... Member of the French Constitutional Council
Prof. David Dyzenhaus ............... University of Toronto, Faculty of Law
Antoine Garapon ....................... Secretary General, Institut des Hautes Études sur la Justice, Paris, France
Prof. Phillip Heymann ................. Harvard Law School
Murray Hunt ........................... Legal Adviser, The United Kingdom Parliament Joint Committee on Human Rights
Prof. Juliette Kayyem .................. John F. Kennedy School of Government, Harvard University
Prof. Claude Klein ..................... Hebrew University, Faculty of Law, Jerusalem, Israel
Prof. Andrei Medushevsky .......... School for Advanced Economic Studies, Moscow, Russia
Paul Morcos .......................... University Lecturer, The University of Beirut, Lebanon
Prof. Fernando Reinares .......... Universidad Rey Juan Carlos, Madrid, Spain; formerly Coordinator of Antiterrorist Policy in Spain’s Ministry of the Interior
Louise Richardson .................... Executive Dean, Radcliffe Institute for Advanced Study, Harvard University
Prof. Kent Roach ...................... University of Toronto, Faculty of Law
Prof. Gil Carlos Rodriguez Iglesias .... Universidad Complutense de Madrid; Director, Real Instituto Elcano, Madrid, Spain; former President, European Court of Justice, Luxembourg
Prof. Michel Rosenfeld ............... Cardozo School of Law
Prof. David Rudenstine .............. Dean, Cardozo School of Law
Prof. Andras Sajo .................... Central European University, Budapest, Hungary
Prof. Bernhard Schlink .............. Humboldt University, Berlin, Germany
Jeremy Shapiro ........................ Director of Research, Center on the United States and Europe, The Brookings Institution, Washington, D.C.
Olga Sidorovich ....................... Director, Institute for Law and Public Policy, Moscow, Russia
Prof. Paul Verkuil ..................... Cardozo School of Law
The Floersheimer Center for Constitutional Democracy was established in 2000 through a generous gift from Dr. Stephen Floersheimer. Its goal is to better understand, and to assist in improving, the functioning of constitutional democracies, both at home and abroad. The Center supports research by scholars and policymakers, hosts speakers and conferences, issues publications, and provides financial support for visiting scholars as well as student projects. Topics of particular concern include civil liberties in an age of terrorism, the democratic impacts and functions of new technologies, the structures of democratic government, and the relationship between church and state.

For more information about the Floersheimer Center, please visit www.cardozo.yu.edu/floersh/index.asp

Admission to Preserving Civil Liberties in an Age of Global Terror is free though registration is required and there is a charge for lunch. For more information and/or to register call 212-790-0200 x 6700, e-mail floersheimer@yu.edu, or return the form below.

☐ I plan to attend the conference

Lunch is available at a charge of $25 per day.

Enclosed is a check payable to Cardozo School of Law for $________________________________________

It will cover the cost of ☐ lunch on Wednesday ☐ lunch on Thursday.

Name ________________________________________________________________

Title/Affiliation _______________________________________________________

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