

National Security Law: A Career Guide

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INTRODUCTION TO NATIONAL SECURITY LAW

National Security Law (NSL) first began to surface in the law school curricula in the late 1980s. The field has burgeoned since September 11, 2001, for obvious reasons. The demand for NSL lawyers has intensified, within and outside government, as has scholarly interest in the field. The work is among the most demanding in the legal arena, requiring a kind of commitment that in many ways is unique. The stakes can be extraordinarily high, the complexity of issues often reaches beyond the abilities of any single practitioner, and the range of situations calling for legal analysis is unpredictable, fluid, and often of the utmost urgency. NSL is a developing field of law with many opportunities for lawyers in government and nonprofit advocacy organizations.

HLS Dean Martha Minow says, of NSL, that “The global war on terror challenges domestic law, practices, and politics inside the United States, especially regarding port and border security; coordination among federal agencies; individual privacy and government secrecy; and collaboration between federal, state and local governments. Assessing and responding to national security threats requires new bridges across the public and private divide, for effective security strategies must bring together government actors, private companies, and nongovernmental organizations in direct or indirect partnerships. New legal questions accompany each of these challenges; such questions cast doubt on once-settled legal doctrines and thus present an opportunity for the forging of new areas of law, which in turn raises an array of legal and policy concerns. Lawyers and legal scholars are discovering that in this new age, national security issues cannot be broken down and analyzed as isolated topics. National security concerns implicate domestic and international dimensions, legal and policy issues, and technological and philosophical problems, and, indeed, call for attention to all of these elements as a whole.”

Defining NSL is challenging. The subject covers vast practice areas, from customs regulation to immigration to human rights. Practice settings are also extremely varied, from government to nonprofits to private practice. Each area embraces a myriad of legal issues, leading to a multifaceted legal domain that is as challenging as any legal field could be. Indeed, part of the difficulty in defining NSL resides in the fact that real-world situations calling for a NSL focus are themselves hard to pin down with any present-day certainty. What was once a domestic criminal

matter can now be a NSL concern. What was once an issue of military discipline may now have national security implications.

Despite, or perhaps in part because of, these complexities, NSL can be a fascinating area of practice, weaving together Constitutional law, military law and the law of war, international relations, privacy concerns, cyberlaw, etc. And of course, many practitioners in this field are drawn to the opportunity to serve their country by navigating novel legal challenges to the end of protecting both the country and the civil rights and liberties of its people.

This guide offers an overview of the more commonly known settings in which NSL is practiced and it provides information about the barriers to access to this field about which any aspirant ought to know—security clearances are just one example of this. The competition for positions in the NSL field tends to be rigorous and the logistics of securing a position, even an internship, can be extensive and time-consuming. Finally, where possible, details will be given about the nature of the work that one can expect within a particular occupational setting.

CHAPTER 1

CAREER OPPORTUNITIES IN FEDERAL GOVERNMENT

The federal government offers a wealth of opportunities in national security throughout the Executive Branch (including at the White House, the Department of Justice and within assorted federal agencies), and on Capitol Hill. Well-known agencies that deal with national security issues include the Central Intelligence Agency (CIA), the Federal Bureau of Investigation (FBI), and the National Security Agency (NSA), but there are also lawyers working on national security issues in other agencies, such as the Department of Energy and the Department of the Treasury. Almost all federal executive branch agencies hire in-house counsels, some of whom engage with national security issues. Lawyers interested in prosecution should consider working for the Department of Justice (DOJ); the National Security Division of the DOJ investigates and prosecutes threats to national security, including terrorism, and supports the national security units within various US Attorneys' Offices throughout the country. Lawyers on Capitol Hill may work for Congressional committees and subcommittees involved with national security issues, such as Armed Services, Intelligence or Foreign Relations.

Prospective applicants should visit www.usajobs.gov, the official job site of the Federal Government, and search for jobs that fit their interests. Students should also explore the websites of individual agencies, departments, or congressional representatives or committees.

The Executive Branch

There are many executive branch agencies that deal with national security law. These agencies work both in collaboration and independently on national security issues. Students should start by exploring the [U.S. Intelligence Community](#), a coalition of 17 agencies that collaborate to gather intelligence for national security and foreign relations activities. Links to the hiring websites of those agencies can be found [here](#).

The following is a summary of potential opportunities at the executive branch agencies most heavily involved in national security issues.

Central Intelligence Agency (CIA): The [Central Intelligence Agency](#) is responsible for providing national security intelligence to senior U.S.

policymakers; it collects, analyzes, and disseminates intelligence information to top U.S. government officials. Of particular interest to lawyers is the Office of the General Counsel, which manages the agency's legal affairs. This office is responsible for intelligence and national security legal matters but also deals with administrative law, legislative affairs, personnel matters, litigation, and many other issue areas as they relate to the agency's work. CIA lawyers have regular contact with other intelligence agencies, the White House, and the Departments of Defense, State, Justice Treasury, Homeland Security, and Commerce. Lawyers are also employed in less strictly legal capacities such as in the Clandestine Service as analysts. Visit the Careers Page of the Office of the General Counsel and the general CIA Careers page for opportunities and more information. NOTE: The General Counsel's Office typically hires out of their 2L summer class.

Department of Defense (DOD): The Department of Defense is responsible for the United States Armed Forces and for an array of agencies that deal with national security, including the National Security Agency and the Defense Intelligence Agency. Opportunities to practice national security law exist throughout the DOD, but the most sought-after placements with the most substantive work are in the Office of the General Counsel. Each of the armed services (the Army, Navy, and Air Force) has a separate General Counsel's Office that includes civilian attorneys, and JAG officers also work directly for the DOD. National security law at DOD is extremely varied, and includes international law, treaty interpretation, intelligence oversight, legal parameters on warfare, and legal ramifications of foreign policy decisions.

Students may also be interested in the Defense Intelligence Agency (DIA), a DOD combat support agency that produces and manages foreign military intelligence, and provides it to military and defense policymakers. The DIA has a small General Counsel's office.

Department of Homeland Security (DHS): The Department of Homeland Security was created in the wake of September 11, 2001 to coordinate and unify national security efforts. It was formed from the integration of 22 federal departments and agencies and since 2002 has been a Cabinet-level department. The DHS is responsible for protecting the U.S. from terrorist attacks, natural disasters, and other incidents. Lawyers may work throughout the DHS, particularly in the Office of Policy, the Office of the General Counsel, and the Office of Legislative Affairs. In addition, students should note that the U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection, U.S. Coast Guard, Federal Emergency Management Agency (FEMA),

U.S. Immigration and Customs Enforcement (ICE), U.S. Secret Service, and Transportation Security Administration (TSA) are part of DHS and also offer opportunities for lawyers.

Department of State: The State Department is responsible for international relations and foreign policy and grapples with a wide array of issues, including counterterrorism, climate change, cyber issues, energy security, and U.S. foreign engagements. The Department maintains an alphabetical list of its many bureaus and offices. Of particular interest to lawyers may be the Office of the Legal Adviser, which provides advice on all domestic and international legal issues related to the Department's work. Lawyers are also employed throughout State including the Office of Policy Planning among other bureaus and offices. For a description of the Office of the Legal Adviser and the work opportunities available, see the helpful "Practicing Law in the Office of the Legal Adviser."

Department of the Treasury: The Treasury Department is responsible for maintaining a strong economy, promoting economic growth, strengthening national security, and managing the U.S. government's finances. To strengthen national security, the Treasury Department combats potential threats and protects the integrity of the financial system. In addition, the Treasury Department deals with the economic and financial aspects of terrorism. For example, the Financial Crimes Enforcement Network (FinCEN) provides expert analysis in support of efforts to investigate and prosecute national security crimes, including money laundering and terrorism financing. Treasury Department lawyers' work is interdisciplinary, connecting law, economics, government and national security. Of particular interest to lawyers may be the Office of the General Counsel, which provides legal and policy advice to the Secretary and other officials. Lawyers also work at the Treasury Department's The Office of Foreign Assets Control (OFAC) headed by Adam Szubin '99. OFAC administers and enforces economic and trade sanctions based on US foreign policy and national security goals against targeted foreign countries and regimes, terrorists, international narcotics traffickers, those engaged in activities related to the proliferation of weapons of mass destruction, and other threats to the national security, foreign policy or economy of the United States.

About 2,000 attorneys work throughout the Treasury Department in various bureaus and offices under the Treasury Legal Division. Students with a background in economics may be especially drawn to the many opportunities at the Treasury Department, but advanced knowledge is not likely to be critical for legal placements.

Spotlight: Adam Szubin, HLS '99

Adam Szubin has worked at the Department of Treasury in the Office of Terrorism and Financial Intelligence (TFI), where he uses the Treasury's tools to combat not just terrorist groups, but also weapons of mass destruction (WMD) proliferation networks, narcotics cartels, money laundering, and targets of sanctions, including Iran, North Korea, and Sudan. As the director of TFI's Office of Foreign Assets Control (OFAC), he has worked on these issues and more broadly on sanctions administrations. "I would strongly encourage anyone to explore NSL jobs within the government," Szubin says. "Everyone I know who is working in this area finds it to be very interesting and extremely fulfilling. The trade-off comes with hours—I think the days are longer and the stress is higher in [the Treasury] than in some other agencies and components in government."

Federal Bureau of Investigation (FBI): The Federal Bureau of Investigation is an intelligence and law enforcement agency within the Department of Justice. It has a National Security Branch (NSB), which was created in 2005 and deals with counterterrorism, intelligence, counterintelligence, and weapons of mass destruction. In July 2006, the NSB created the Weapons of Mass Destruction Directorate (WMDD) to coordinate approaches to nuclear, radiological, biological, or chemical threats. The NSB also includes the Terrorist Screening Center, which provides crucial, actionable intelligence to state and local law enforcement, and the High-Value Detainee Interrogation Group, an interagency body that collects intelligence from key terror suspects to prevent attacks against the U.S. and its allies.

Lawyers may find employment in the Office of the General Counsel, which provides legal advice to the FBI Director and divisions. In particular, lawyers in the Office of General Counsel work in national security law, criminal investigative law, forfeiture law, information law and policy, procurement and contracting law, and fiscal law and policy. They also give advice on the Foreign Intelligence Surveillance Act (FISA) process, review the legality of surveillance techniques, and support criminal prosecutions. There are also opportunities for lawyers at the FBI that are not as traditionally legal; some special agents, for example, hold JDs. In addition, because the nature of all FBI work is suffused with law enforcement, HLS graduates have in the past sometimes moved from positions at DOJ or USAOs to serve as Special Assistants or Chiefs of Staff to the Director of the FBI. For general FBI hiring information, visit the FBI Jobs Page.

National Security Council: The National Security Council (NSC) works within the White House to advise the President on foreign policy and national security matters and helps him coordinate and administer national security and foreign

policy agencies. The regular attendees of the NSC are the Vice President, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, and the Assistant to the President for National Security Affairs. The Chairman of the Joint Chiefs of Staff and the Director of National Intelligence are also involved. Attorneys from the agencies these officials represent are sometimes detailed to staff the NSA.

Office of the Director of National Intelligence (ODNI): The Office of the Director of National Intelligence was created in the aftermath of the 9/11 attacks to integrate U.S. intelligence efforts. The Director of National Intelligence is the head of the Intelligence Community, a coalition of 17 executive branch intelligence agencies that work both collaboratively and independently. The Director works to oversee and direct the implementation of the National Intelligence Program and is the principal advisor to the President, the National Security Council, and the Homeland Security Advisory Council on national security intelligence matters. The ODNI careers page links to information about jobs in government, in the Intelligence Community, student opportunities, and opportunities for veterans. The Homeland Security Advisory Council is board of outside advisors who provide advice and recommendations to the Secretary on matters related to homeland security. The Council comprises leaders from state and local government, first responder communities, the private sector, and academia.

Within the ODNI, there are many offices and centers. The ODNI provides a list of all of these offices and centers on its webpage. Two key components are the Office of the National Counterintelligence Executive (ONCIX), which specializes in counterintelligence, and the National Counterterrorism Center, which is a center for joint operational planning and joint intelligence and is staffed by personnel from multiple agencies. Also of note are the Office of General Counsel, the Civil Liberties and Privacy Office, and the Office of Legislative Affairs.

Transportation Security Administration: The Transportation Security Administration (TSA) was created after the 9/11 attacks and offers many opportunities for young lawyers in the TSA Office of Chief Counsel, the “full service legal shop” responsible for providing legal advice and guidance to all TSA offices. The Office of Chief Counsel has seven major divisions. Enforcement and Incident Management handles all issues related to the Federal Air Marshal Service, the Offices of Intelligence and Investigation, violations of TSA’s security regulations, credentialing of individuals to work in secure areas, international law, criminal law, and search authority. Many younger attorneys work on TSA’s

litigation teams. One team is devoted to working with DOJ to defend TSA (or TSA's interests) in federal court litigation, and the other primarily handles administrative litigation arising out of employment issues. TSA also has teams for General Law (employment and labor, ethics, fiscal, and privacy law), Procurement, Regulations, Legislation & Authorities (including Government Accountability Office/Department of Homeland Security Inspector General oversight), and Field Operations (attorneys who are co-located at airports around the country).

The Homeland Security Office of General Counsel has a [careers page](#), however, open positions in the Office of General Counsel tend not to be advertised on USAJOBS; the hiring process for both full-time and internship positions is somewhat irregular. Please see the Homeland Security Organizational Chart in the appendix for more information on the different branches.

The Department of Justice—Prosecuting National Security Law

The investigation and prosecution of national security threats is one of the most recognizable areas of national security law practice. Due to the nature and complexity of such investigations and the specificity of terrorism-related federal statutes, prosecutions tend to originate at the federal level within the National Security Division of the Department of Justice (DOJ), which some regard as the most prestigious site within which to practice national security law. John Carlin '99 is the Assistant Attorney General for National Security and heads the Division.

The National Security Division of DOJ was created in 2006 and is tasked with addressing both the investigation and prosecution of threats to national security, particularly terrorism. The Division is further broken down into subsidiary sections, including the Counterterrorism Section, the Counterespionage Section, the Law and Policy Section, and the Office of Justice for Victims of Overseas Terrorism. These sections, based in Washington, D.C., often require specific and unique legal expertise but are wide-ranging in their scope and reach. For example, the Operations Section of the Office of Intelligence of the DOJ's National Security Division handles the preparation and filing of all applications that fall under the Foreign Intelligence Surveillance Act (FISA); accordingly, the section works with a multitude of government agencies and operates well beyond Washington.

Matthew Olsen '88, now the Director of the National Counterterrorism Center, helped to create DOJ's National Security Division. As his experience suggests, experienced attorneys in the division work on issues ranging from the detention of

Spotlight: Michael Ricciuti, HLS '87

Michael Ricciuti served as the first chief of the Anti-Terrorism and National Security Unit in the US Attorney's Office in Boston. Working in that capacity, Ricciuti was able to utilize his legal skills and expertise to assist in Massachusetts's counterterrorism efforts. "I took the job [as coordinator of the Massachusetts Anti-Terrorism Advisory Council] when it was essentially a new field of law," he says, "It was a very exciting, mission oriented time, we were trying to do the right thing; we were trying to respect civil rights, the law and threats. For an experienced prosecutor, it was a great job—to take over a unit after having spent years dealing with anti-drugs, and wire-tap work to really know the process from soup to nuts. Having been a civil rights lawyer for the DOJ, I had the sensitivities to know how to handle these situations."

prisoners at Guantanamo Bay to legislative reform of the Foreign Intelligence Surveillance Act. DOJ also has a Counterterrorism Unit (CTU) within its Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) to assist other countries in developing counterterrorism activities consistent with the rule of law.)The CTU works with the DOJ National Security Division and the State Department's Office of the Coordinator for Counterterrorism to ensure that the

U.S. both protects itself from terrorism and respects the rule of law. The CTU sends Resident Legal Advisors (RLAs) to Bangladesh, Iraq, Kenya, Malaysia, Pakistan, Turkey, and the United Arab Emirates, where they work with both the U.S. and foreign governments to strengthen the rule of law and develop counterterrorism measures. RLAs also work on other counterterrorism programs throughout the world.

Some U.S. Attorney's Offices have also established specialized Anti-Terrorism and National Security Units. These units work alongside existing national security-related divisions such as narcotics and immigration enforcement to investigate and pursue leads, usually in conjunction with the local FBI or DHS offices. They also oversee terrorist investigations and prosecute claims that fall within their jurisdiction with the support of DOJ's National Security Division.

Capitol Hill

Many opportunities exist within Congress for lawyers to gain experience and exposure to national security law, most notably through work on House or Senate committees and subcommittees dedicated to addressing national security issues. In the Senate, staff is hired by the Senators, not by the committees although a staffer may be hired to work specifically on one committee. In the House, lawyers can be hired directly by committees. Each committee and subcommittee hires its own counsels from the majority and minority parties. These attorneys might research the committee's issues, advise members on legislative responses, oversee hearings, and draft legislation.

Most committees are legislative in nature but may have some oversight function. Separately, there are committees that are exclusively oversight in nature such as the House Committee on Oversight and Government Reform and the Senate Permanent Subcommittee on Investigations. They are charged with investigating federal agencies to ensure that they are applying the law as Congress intended. In this capacity, committees can subpoena agency officials, hold hearings, write reports, and set up temporary or permanent subcommittees to gather information. For example, after completing active duty as a Navy JAG Officer, Michael Bahar '02, served as the General Counsel to the Minority Staff of the House of Representatives Permanent Select Committee on Intelligence, the primary committee charged with overseeing the United States Intelligence Community.

As national security issues become increasingly relevant in committees whose scope has not traditionally encompassed national security, individual members are hiring more staff to focus on national security issues and expanding the national security work of their respective committees.

For more information on how and where to search for internships and postgraduate jobs on Capitol Hill, see page the Career Resources section of this guide.

House Committees that Deal With National Security Issues*:

- House Appropriations Committee, Subcommittee on Defense
- House Appropriations Committee, Subcommittee on Homeland Security
- House Appropriations Committee, Subcommittee on Transportation, Treasury, the Judiciary, and Housing and Urban Development House Armed Services Committee
- House Committee on Oversight and Government Reform, Subcommittee on National Security, Emerging Threats, and International Relations

Spotlight: Lindsay Rodman, HLS '07

Lindsay Rodman worked for Senator Edward Kennedy during her 2L summer on defense policy. As is common with congressional internships, Rodman got her spot on the Hill through tireless networking when she “started cold calling people whose business cards I had collected through various events. One of the few business cards I had belonged to the majority counsel for the Senate Armed Services Committee (SASC), who I had met the summer before at an HLS alumni function. He had no idea who I was, but was extremely helpful in giving me contact information for the defense policy advisors to Senators on the SASC who lived in states I had lived in. I am a Democrat, so I called the offices of the latter two and Senator Kennedy’s defense policy advisor offered me an unpaid job with no desk, which I gladly accepted! Eventually I got half of a desk and SPIF funding.

- House Homeland Security Committee
- House International Relations Committee, Subcommittee on International Terrorism and Nonproliferation
- House Judiciary Committee, Subcommittee on Crime, Terrorism, and Homeland Security
- House Judiciary Committee, Subcommittee on Immigration, Border Control and Claims House Permanent Select Committee on Intelligence

Senate Committees that Deal with National Security Issues*:

- Senate Appropriations Committee, Subcommittee on Defense
- Senate Appropriations Committee, Subcommittee on Homeland Security
- Senate Appropriations Committee, Subcommittee on Transportation, Treasury, the Judiciary, and Housing and Urban Development
- Senate Armed Services Committee
- Senate Foreign Relations Committee, Subcommittee on International Operations and Terrorism
- Senate Committee on Homeland Security and Governmental Affairs
- Senate Committee on the Judiciary, Subcommittee on Immigration, Refugees and Border Security
- Senate Committee on the Judiciary, Subcommittee on Terrorism, Technology, and Homeland Security
- Senate Select Committee on Intelligence

CHAPTER 2

CAREER OPPORTUNITIES IN THE MILITARY

Military service is another venue in which to pursue a career in national security law. Each of the five branches of the U.S. military has commissioned officers serving in the Judge Advocate General Corps, commonly referred to as JAGs. JAG Officers serve at all levels of military operation, providing legal advice and services to soldiers and commanders overseas and in the United States. JAG officers develop broad legal competencies during their initial training in international, administrative, and contract law, as well as military justice and legal assistance.

While the opportunity to formally specialize in national security law may not come until later in a JAG officer's career, JAG officers can develop relevant national security law experience during deployment. JAG officers provide legal advice on the rules of engagement, the proper conduct and pursuit of investigations, the law of war, the treatment of detainees, and mission-related military justice. For example, Lieutenant Zachary Prager'07 deployed to the Joint Interrogation and Debriefing Center in Iraq in 2009 as a member of the Navy JAG. Prager trained and supervised interrogators, ensuring that operations were in accordance with the Geneva Convention and U.S. regulations.

In addition to legal advising, JAG officers are often called upon to mediate disagreements over strategy, operations, and even ethics. According to Lieutenant Colonel Mike Ryan, who described his experiences in the American Bar Association's *National Security Law Report*, military officials often run ideas or plans by lawyers in order to attain an external "sanity check," and also "rely on their lawyers' analytical skills and their ability to render objective, rational advice on issues."

Michael Bahar '02, commissioned as a Navy JAG following law school, went on to serve as Deputy Legal Advisor at The White House (National Security Staff), and, after leaving the Navy, served as General Counsel to the Minority Staff of the House of Representatives Permanent Select Committee on Intelligence. As Bahar notes in his narrative, the JAG Corps is an opportunity to become involved in the national security field immediately following law school when "the national security law community in particular is a very small circle that is difficult to break into later in one's career."

The application and hiring process for JAG officers is different for each branch of the military, and may include opportunities to apply as early as a student's second year of law school. JAG Corps hiring is generally conducted through an annual or semi-annual "board" or open period when applications are accepted and interviews are conducted. Because the application process involves in-person interviews and screenings as well as submitting an application packet, it may take up to two months to prepare a complete JAG Corps application, and applicants should begin preparing well ahead of the application deadline. While information on the application process is available online, Harvard Law School students who are considering military service after graduation should contact the Bernard Koteen Office of Public Interest Advising for additional information. Harvard Law School's Armed Forces Association, a student organization composed of veterans, active duty military service members, and those who are either interested in joining or supporting the Armed Forces of the United States of America can be another resource to students considering JAG.

Each of the uniformed services also offer summer internship programs for law students. The details for each service's program vary considerably. For information on summer internship opportunities with the JAG Corps, see Appendix.

CHAPTER 3

CAREER OPPORTUNITIES AT THE STATE/LOCAL LEVEL

The federal government is the most obvious domain for national security work. But in response to the post-9/11 increase in national security threats and the ever-growing complexity of the laws that govern the field, some state and local governments have formed their own homeland security agencies. Offices such as Massachusetts’s Executive Office of Public Safety and Security (EOPSS) and the California Emergency Management Agency (CEMA) handle issues of homeland security at the state level. Central to the national security mission is balancing national and needs, while facilitating the cooperation and coordination necessary to bolster national security efforts. Much of the work of these agencies involves partnering with federal counterparts to undertake national initiatives. For example, agencies might collaborate with federal officials on an initiative aimed at deterring and prosecuting illegal immigration.

Work at the state level frequently mirrors work at the federal level; post-9/11 laws in many states have expanded the jurisdiction and investigative abilities of state and local actors. Although terrorism is most often prosecuted in federal court, state level prosecutions may still occur. State-level prosecutions are more likely to come out of offices in larger cities that have resources dedicated to anti-terror prosecution and investigation efforts.

Even less known, because more rare, are opportunities within local government. Some cities have installed robust counterterrorism offices. The New York Police

<p>Spotlight: Juliette Kayyem, HLS ‘95 Former Assistant Secretary for Intergovernmental Affairs in the United States Department of Homeland Security and previously Homeland Security Advisor to Governor Deval Patrick of Massachusetts</p> <p>“In state government, I was able to oversee operational components that were integral to both the state’s security as well as a part of America’s overall security efforts... I struggled with concerns that are as deep and difficult as those that are debated on the federal level... The “homeland” is essentially about balancing local, state, and federal needs—and sometimes failing in that effort—so there is no reason to believe that the only way to contribute requires a move to D.C.”</p>
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Department's Intelligence Division and Counter-Terrorism Bureau is a prime example, with its broad counterterrorism efforts that are at times, by necessity and circumstance, national in scope. Some intelligence analysts within the office are actually attorneys by training; other lawyers work as legal counselors and advisors within the Bureau, similar to those at the Department of Justice. These lawyers address civil rights and federalism concerns that arise in connection with office operations, while still remaining involved in investigations and substantive national security work.

CHAPTER 4

CAREER OPPORTUNITIES AT ADVOCACY ORGANIZATIONS

Advocacy organizations involved in national security work occupy an important role within the system of law enforcement and justice. These organizations address an expanding set of national security and civil liberties issues from the abuse of detainees in U.S. custody to government secrecy and surveillance, oversight of private security contractors employed by the military, and discrimination against Arab and Muslim Americans in the wake of 9/11. Attorneys at these organizations work in a variety of capacities, from litigating cases to conducting legislative advocacy and media campaigns, to providing and comments to federal agencies and congressional committees.

Litigation is one aspect of the national security work of advocacy organizations such as the Center for Constitutional Rights and the Electronic Frontier Foundation. For example, attorneys from the Center for Constitutional Rights provided direct representation for terrorism suspects detained at Guantanamo Bay, and were involved in a number of suits challenging the United States' national security practices. Likewise, The Electronic Frontier Foundation has brought suits that challenge the National Security Administration's domestic surveillance programs.

The Center for Individual Freedom seeks to focus public, legislative and judicial attention on the rule of law as embodied in the federal and state constitutions. Those fundamental documents both express and safeguard society's commitment to individual freedom, not only through specific protections such as the Bill of Rights, but also through structural protections that constrain and disperse governmental authority.

Jameel Jaffer'99, directed the ACLU's National Security Project from 2007 to 2010, and went on to serve as Director for the ACLU's Center for Democracy and is now the deputy legal director of the ACLU. Commenting on his role on the litigation side of national security law, Jaffer noted that "I work on issues that I care about with people who are equally committed to social justice. The work is intellectually challenging -- we are constantly briefing constitutional cases of first impression." Jaffer's cases at the ACLU included challenges to warrantless wiretapping by the National Security Agency and the CIA's targeted killing program.

Beyond litigation, national security work at advocacy organizations frequently entails broader advocacy campaigns. Public battles against the U.S. government's policies on detention, surveillance, and interrogation are often led by civil liberties and civil rights attorneys. Advocates working in national security law collaborate with other human rights and civil liberties practitioners, journalists, and scientists to reach a broad public. This activism can also include efforts to strengthen public access to government information, with attorney advocates filing requests under the Freedom of Information Act (FOIA).

The Rand National Security Research Division (NSRD) conducts research and analysis for all national security sponsors other than the U.S. Air Force and the Army. The division includes the National Defense Research Institute (NDRI), a federally funded research and development center (FFRDC) whose sponsors include the Office of the Secretary of Defense, the Joint Staff, the Unified Combatant Commands, the defense agencies, and the Department of the Navy. NSRD also conducts research for the U.S. intelligence community and the ministries of defense of U.S. allies and partners.

The career path of Cori Crider'06 is also worth noting. She came to Reprieve, a UK based non-profit advocacy organization that works to protect the human rights of prisoners through investigation, litigation, and advocacy campaigns, as a fellow in 2006. Since then she has served as a Guantánamo attorney, Head of the Abuses in Counter-Terrorism Team, Legal Director, and now as Strategic Director. Her experience at Reprieve reveals how the work of an advocacy organization can encompass both direct representation and advocacy campaigns. In 2013, Crider represented seventeen clients detained at the Guantanamo Bay. Reprieve staff members also worked to facilitate the publication of an op-ed in *The New York Times* by a Guantanamo Bay detainee as part of its advocacy campaign.

Crider's experience at Reprieve also points to the importance of conducting research on less well-known advocacy organizations, and the opportunities those organizations present to recent law graduates. Crider found Reprieve through her own research and has been able to play an integral role in its work and growth, as the organization has expanded from seven staff members to more than thirty-five.

For a more comprehensive list of selected advocacy organizations involved in national security work, see Appendix.

CHAPTER 5

CAREER OPPORTUNITIES AT THINK TANKS

As the American Bar Association’s *Careers in National Security Law* notes, “the domestic and international dimensions of national security have received increased attention from think tanks and non-governmental organizations since September 11th, and legal expertise is in demand.” Many of the most prominent American think tanks, including the Center for Strategic and International Studies, the Brookings Institute, the RAND Corporation, and the Carnegie Endowment for International Peace, have research programs and centers devoted to national security, in addition to programs that address other public policy issues. Other think tanks, such as the Investigative Project on Terrorism and the Center for National Security Studies, focus exclusively on national security.

Lawyers and legal experts who work for think tanks are typically senior professionals with substantial experience in federal government or the military. There are, however, also opportunities for law students to work with experts at think tanks during law school. These opportunities include positions as summer interns or as research assistants during term time for a professor, who may serve as a non-resident expert at a think tank. Internships and research assistant positions allow students to build their knowledge of the field, make connections to senior practitioners, and develop a track record of involvement with national security issues. For a list of selected think tanks with national security programs, and additional information on working for think tanks as a law student, see Appendix.

CHAPTER 6

PREPARING FOR A CAREER IN NATIONAL SECURITY LAW

Students planning to pursue careers in national security law should carefully consider their academic coursework, extracurricular activities, and summer internships. This chapter provides an overview of what students should be thinking about as they plan their time in law school and provides suggested organizations, programs, and courses.

Academic Coursework

Students interested in national security careers should familiarize themselves with national security law and other related topics through their coursework. Previous courses on national security law at HLS have included:

- National Security Law: Legal Frameworks and National Security Decision-Making–Juan Zarate
- National Security Law–James Baker
- National and International Security Law Workshop–Jack Goldsmith and Gabriella Blum
- Privacy, Technology, and National Security —Philip Heymann
- Prosecuting Transnational Criminal Organizations: Seminar–Philip Heymann
- Prosecution Policies and Strategy at the International Criminal Court–Alex Whiting
- The “War on Terror” Memoir (reading group)–Deborah Popowski
- The Promises and Challenges of Disarmament: Clinical Seminar–Bonnie Docherty
- Controlling Cyberspace–Jonathan Zittrain
- Cybercrime–Phillip Malone
- International Cyber security: Public and Private Sector Challenges–Jack Goldsmith
- The Internet: Governance and Power Professor Jack Goldsmith , Bruce Schneier

See the [HLS course catalog](#) for the most up-to-date offerings.

The Harvard Kennedy School of Government–Joint Degree Program in Law and Government and Cross Enrollment

Students interested in government and public policy may consider pursuing a joint degree with the Harvard Kennedy School (HKS). Participants graduate with a JD and either a Master in Public Policy (MPP) or a Master in Public Administration in International Development (MPA/ID) at the Kennedy School. The program aims to facilitate interdisciplinary study and to prepare graduates for careers in public service. For more information and admissions procedures, visit:

<http://www.law.harvard.edu/academics/degrees/special-programs/joint-degrees/hls/hks-program-description.html>.

If one does not choose to pursue a joint degree, consider cross-registration for courses at HKS to broaden or deepen one’s knowledge of national security topics and to further explore national security issues from other perspectives.

Student Organizations

Joining a student organization may provide new opportunities to explore your interests, learn more about national security, and network with others interested in the field. Relevant student groups include:

- **Harvard National Security and Law Association (NSLA):** NSLA is the primary HLS student group for students interested in national security. It is a nonpartisan group and does not subscribe to any particular national security agenda. NSLA hosts events, including career-related gatherings, and also oversees the Harvard Law School National Security Research Committee (NSRC), a student-led initiative that collaborates with outside organizations to produce research reports. For more information, visit <http://www3.law.harvard.edu/orgs/nsla/>.
- **HLS’ Chapter of the American Civil Liberties Union (link)**
- **HLS Armed Services Association:** The Armed Services Association is a community of service members and veterans at HLS. The group organizes and participates in events and aims to foster a supportive community. Visit <http://www3.law.harvard.edu/orgs/armed/> for more information.
- **Harvard Law School Democrats:** This student group is a community of HLS Democrats. It helps students enter politics at any level of government and facilitates networking. The group also engages in campaign work and hosts events. For more information visit <http://www3.law.harvard.edu/orgs/democrats/>.

- **Harvard Law Republicans:** This group is a community of moderate and conservative Republicans that hosts events, speakers, and social occasions. Visit <http://hlsrepublicans.org/> for more information.

Student Journals - *The Harvard Law School National Security Journal (NSJ)*

The NSJ is a student-edited online journal. Joining a journal may allow students to develop their legal writing and editing skills, build their resumes, explore an area of interest, and assume leadership positions. For more information on the NSJ, visit <http://harvardnsj.org/>.

Students may also be interested in joining other related journals, including:

- *Harvard Civil Rights Civil Liberties Law Review* (<http://harvardcrcl.org/>)
- *Harvard Human Rights Journal* (<http://harvardhrj.com/>)
- *Harvard International Law Journal* (<http://www.harvardilj.org/>)
- *Harvard Journal on Law and Technology* (<http://jolt.law.harvard.edu>)
- *Harvard Journal on Law and Public Policy* (<http://www3.law.harvard.edu/journals/jlpp/>)
- *Harvard Law School Journal on Legislation* (<http://www.harvardjol.com/>)
- *Harvard Law and Policy Review* (<http://www.acslaw.org/publications/harvard-law-and-policy-review>)

The Berkman Center for Internet and Society at Harvard University

The Berkman Center is a highly regarded research center dedicated to the study of cyberspace. The center explores the intersections between the Internet, technology, society, and law. Given that cyber security and technology play major roles in national security, students may find research, clinical or other opportunities at the Berkman Center. Visit the Berkman Center's website at <http://cyber.law.harvard.edu/>. For more information on how to get involved, visit <http://cyber.law.harvard.edu/getinvolved>.

Work with a Professor

Being a research assistant for an HLS (or Kennedy School) professor provides an opportunity for students to hone their research and writing skills, build their academic resumes, and gain deeper insight into a particular issue area. RA positions also offer a valuable opportunity to build a strong relationship with a professor, who may serve as a future mentor or reference. Harvard Law professors who work on national security issues include James A. Baker, Gabriella Blum, Jack Goldsmith, Philip Heymann, Alex Whiting and Juan Zarate.

Term Time Clinical Opportunities

HLS has externship programs in Boston and Washington, D.C. that allow students to get practical, hands-on experience in government positions. Students may want to consider the U.S. Attorney or the Semester in Washington programs, or they may consider pursuing a term time internship independent of these programs.

- **Government Lawyer Clinic–US Attorney:** Through this externship clinic, HLS students spend a semester at the United States’ Attorney’s Office in Boston, learning first-hand the roles and responsibilities of a federal prosecutor. Placements in the Anti-Terrorism and National Security units will be of particular interest for students considering a career in prosecuting national security law. See the HLS Clinical and Pro Bono Programs website for additional details:
www.law.harvard.edu/academics/clinical/clinics/usao.html.
- **Government Lawyer Clinic–Semester in Washington:** Students participating in this externship clinic spend the entire spring semester in Washington, D.C., working a minimum of thirty hours per week as policy interns in federal government and taking an evening course on government lawyering. HLS students with an interest in national security law have been placed in the Department of Defense’s Office of the General Counsel–International Affairs and the Department of Justice’s National Security Division. See the HLS Clinical and Pro Bono Programs website for additional details:
www.law.harvard.edu/academics/clinical/clinics/washington.html
- **Independent Clinical Work:** Students may also pursue independent term-time internships in the Boston area or beyond. Independent clinical experiences can offer the opportunity to work remotely for federal government agencies under the supervision of a HLS professor. For example, students have worked for DOJ’s National Security Division as an independent clinical. Some opportunities are listed in HELIOS, the public interest job search database. In addition, students may seek opportunities tailored to their interests. For example, the Massachusetts Executive Office of Public Safety and Security has a Homeland Security & Emergency Response team: <http://www.mass.gov/eopss/home-sec-emerg-resp/>.

Summer Internships

It is important to use summer internships to build experience and demonstrate your interest in and knowledge of national security to future employers. Occasionally,

internships may even turn into post-graduate positions. In addition, internships provide networking opportunities, and if they require a security clearance they may smooth the path to regular employment.

Fellowships

Students interested in pursuing government or nonprofit work should consider applying for fellowships, which support unpaid or underpaid post-graduate work. Some fellowships are funded by specific organizations for work in a particular department or on a pre-determined project, while others provide funding to work at an organization willing to host you. It may be possible to arrange a fellowship to work at a nonprofit advocacy organization, a think tank, or even in a government position that would not otherwise be open to inexperienced attorneys (though note that it is rare to be able to use outside fellowship funding to work in federal government, except for Capitol Hill). That said, some students have been post-grad fellows at an HLS clinic and subsequently detailed to a federal agency while an HLS fellow. For more information on fellowships, visit the OPIA website at <http://www.law.harvard.edu/current/careers/opia/fellowships/index.html>. Those applying to fellowships should also consult the OPIA Insider's Guide to Successful Fellowship and Grant Applications:

<http://www.law.harvard.edu/current/careers/opia/toolkit/guides/career-and-specialty-guides.html>.

Language Skills & the National Security Education Program

Although foreign language skills may not be necessary for national security work, they may make you a more attractive hire and be extremely useful. Languages in particular demand in this field include Arabic, Farsi, Pashtu, Urdu, all dialects of Chinese, Japanese, Korean, Russian, Spanish and Vietnamese.

The National Security Education Program (<http://www.nsep.gov/>) provides funding and support for students to learn “critical languages” in “critical areas” (outside of the U.S., Western Europe, Canada, Australia, and New Zealand). The program's goal is, among other things, to produce a qualified pool of applicants to work for the U.S. Government in national security positions. After completing their studies, program participants must work in the federal government in a position with national security responsibilities for one year or the duration of assistance from the program, whichever is longer.

Building a Track Record

For those aiming to pursue a career in national security law it is especially important to develop a track record of demonstrated interest in and commitment to national security work. It is important to show your involvement in these issues over time, particularly throughout law school. HLS 2L and 3L students should consider how to use January term and spring breaks and their summers to build their resumes and develop experience.

One of the best ways to get a start in national security law is to pursue a summer position in the field while in law school. In certain circumstances, a summer internship (particularly as a 2L) may lead to a post-grad position; likewise, demonstrated success in the field will naturally provide a student with an edge over inexperienced applicants for post-graduate jobs. This advantage can be compounded by factors such as the possession of a security clearance; a candidate with a clearance from a summer job may be able to start a position immediately, forgoing the normal wait time.

As in other areas of public interest law, networking is a crucial factor in obtaining a position. Students interested in summer positions should make an effort to network with alumni in the national security field, particularly with older law students who have previously held relevant summer positions. Beyond providing important advice on work in the national security law field, relationships with alumni and other students can be attractive to employers; mentioning contacts in one's cover letter and interviews can be an effective way of further bolstering one's candidacy and suitability for a certain position.

Publications and research work for professors are others ways to build a track record and show a demonstrated interest in national security law.

Spotlight: Michael Bahar, HLS '02
General Counsel to the Minority Staff of
the House Permanent Select Committee on
Intelligence (HPSCI)

“...The earlier you get into national security, the better. The national security legal community in particular is a very small circle, which is very hard to break into later in one's career...The national security community is a community built on trust and it requires a skill set that can't be fully attained from the outside. You can always go in and out, but it is better to be in first.”

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Personal Life and Decisions–Security Clearances

The security clearance process required for national security positions can sometimes be unforgiving and digs deeply into your personal life. Such scrutiny is highest when classified or other highly sensitive information and situations are involved. Some federal agencies require summer, term-time, and post-graduate applicants to undergo background checks. Agencies that historically have required background checks include DOJ, the CIA, and the Department of Defense. This background investigation is rather routine for summer work (fingerprint check and questionnaire), and much more extensive for full-time employment—with typically the FBI checking references, former employers, coworkers, friends, neighbors, landlords, institutions of higher education, and credit/military/tax/police records. While this process almost always runs smoothly and is completed without a problem, security clearances for DOJ and other federal agencies have occasionally taken long periods of time and have proven a major obstacle to a few applicants.

For information about security clearances generally, see OPIA’s [Job Search Toolkit](#).

For information about DOJ’s drug use policy, background checks and security clearances for work at DOJ’s National Security Division, see OPIA’s [Department of Justice Career Guide](#).

Security Clearance and other issues of concern

Financial Issues

Other key issues for the security check are any defaulted student loans, neglected financial obligations, failure to comply with intellectual property laws (particularly with respect to illegal downloading of music or video recordings), or failure to comply with tax laws. Failure to file or pay taxes may preclude a candidate from passing the background check.

Residency Requirement

Anyone working at DOJ including those participating in the Summer Law Intern Program (SLIP) as well as volunteer interns are specifically subject to a residency

requirement. Candidates who have lived outside of the U.S. for two or more of the past five years have difficulty being cleared. (Federal or military employees and their dependents, including Peace Corps volunteers, are exempted from this rule.) See [OPIA's DOJ Guide](#) for more detailed information on this requirement.

Polygraphs

The Employee Polygraph Protection Act (EPPA) generally prevents employers engaged in interstate commerce from using lie detector tests either for pre-employment screening or during the course of employment, with certain exemptions. However, federal, state and local governments are excluded from the EPPA. In addition, lie detector tests administered by the federal government to employees of federal contractors engaged in national security intelligence or counterintelligence functions are exempt.

The CIA and FBI require polygraph tests of some permanent employees. Failing the polygraph will bar your employment.

Additionally, the CIA now has each candidate for permanent employment meet with a security clearance representative locally to talk frankly and confidentially about anything that may be in their record/history, and get a read on whether this is likely to interfere with their clearance. The clearance process can take months (in the past, as long as a year sometimes), and so this pre-meet discussion allows both the agency and the candidate an opportunity to gage whether Hence the new system that was instituted a few years ago.

7 CHAPTER

PERSONAL NARRATIVES

Lindsay Rodman '07

Lindsay Rodman, HLS/KSG '07, currently serves as a judge advocate in the U.S. Marine Corps. She previously interned with the Defense Intelligence Agency, Department of Defense, Senator Kennedy, and two private firms focusing on NSL matters.

I came to HLS straight through from undergrad having spent the summer working in the Pentagon as an intelligence analyst for the Defense Intelligence Agency (DIA). I fell in love with the Pentagon and knew by the time school started that I wanted to pursue a career in national security. During my 1L year, I applied to the Kennedy School for a joint degree. Three months of work experience in national security was just enough to realize how much I had to learn. At the time, as a policy school, KSG had more resources and took a more comprehensive approach to the study of national security. HLS's national security law resources have grown immensely since I started there in 2003, just as national security law matters were coming to the fore.

During my 1L summer I worked for the Department of Defense Office of the General Counsel (DOD OGC). I ended up sitting in DOD OGC (Intelligence) for half of my internship and in DOD Counternarcotics Policy for the other half, which was great because I was headed to KSG in September.

The summer after my KSG year, I was accepted by CIA's General Counsel internship program; their offer was conditional on obtaining a security clearance in time for the summer. Although I had a Top Secret / Sensitive Compartmented Information (TS/SCI) clearance from the DOD, CIA has a different system and had to start from scratch. They were not finished by the time the summer came, so I scrambled to find another job. I had to cold call HLS grads I had met the previous summer, and eventually, I landed in Senator Kennedy's office doing Senate Armed Services Committee and Judiciary Committee work.

Working on the Hill is an important education for anyone who wants to work in policy or government in Washington. In the end, I was probably better off and had more fun gaining exposure to the legislative process than I would have been repeating the general counsel's office experience.

“Many people have asked if I felt it was necessary to join the military to become credentialed in national security. The answer is generally no, but I personally felt compelled to serve and am excited about what the future will bring.”

When I came back to HLS in the fall, I began working to create an organization for students interested in national security. Working with professors and students to found the National Security Law Association was probably the most valuable and rewarding thing I did in law school. In the Spring I took part in the U.S. Attorney’s Office clinical in Boston working for the Anti-Terrorism and National Security Unit, which was

a great experience.

During my last summer (between my third and fourth years), I split my time between two law firms that do national security work in DC. Arnold & Porter has a litigation and public policy national security practice and Kaye Scholer has a transactional national security practice. Both were great firms and great summer experiences.

I decided in my last year that I wanted to serve my country, and I chose the Marine Corps in order to get a well-rounded experience (the Marine Corps does not have a “JAG Corps”—judge advocates are line officers, and have to have the same baseline training/expertise as all other line officers). While waiting for a spot at Officer Candidates School, which would take a year, I accepted an offer at Arnold & Porter, who graciously accommodated my situation.

Arnold & Porter is a wonderful firm with as many national security-related opportunities as a private firm can provide. I still draw upon the valuable experience that I had working in a private law firm for a year—I feel fortunate to have had that opportunity. However, I have no regrets about joining the Marine Corps.

Upon joining the military, I did over a year of training: Officer Candidates School (3 months, Marine officer boot camp); The Basic School (6 months, basic infantry training); Naval Justice School (3 months, training in military law). My first duty station was in Okinawa, Japan, where I served as a criminal defense attorney. From there I deployed to Afghanistan as the operational law attorney for 1st Marine Division. Although I had orders to California after my deployment, a last minute switch sent me to the Pentagon, where I worked for the Staff Judge Advocate to the Commandant of the Marine Corps, the top lawyer in the Marine Corps. After serving there for two years, I was detailed to the Office of the Legal Advisor to the Chairman of the Joint Chiefs of Staff, and from there I was selected as a White House Fellow.

Many people have asked if I felt it was necessary to join the military to become credentialed in national security. The answer is generally no, but I personally felt compelled to serve and was excited about what the experience would bring me. I have now completed my obligation to the Marine Corps, and have continued to stay on. I love the Marine Corps, and I may choose to make it a career, but I have consistently weighed and explored other options along the way, and will likely continue to do so.

In my career, I have found that sincerity and enthusiasm go a long way. Even in a conformist military environment, I have never succeeded in being anyone but myself. When I started law school, national security law was an undeveloped niche interest. I was passionate about it, and I made my interest known. Many law students may not know precisely what they want to do in the future, but they do know what interests them today. I followed up on my interests with whoever I came across, and have been very happy with the opportunities and experiences I've been able to accumulate.

Michael Leiter '00

Michael Leiter, HLS '00 is currently a Senior Counselor at Palantir Technologies and a Counterterrorism and National Security Analyst for NBC. He served as the Director of the National Counterterrorism Center (NCTC) from 2007-2011. In addition to his time in the Office of the Director of National Intelligence, he previously worked in both the Department of Justice and served in the U.S. Navy.

While at the Law School I never planned on entering the national security realm. Prior to coming to Harvard I had spent six years in the U.S. Navy and after leaving the service I had concluded that I wanted to take a different path—likely becoming a prosecutor. This all changed when during my 1L year someone mentioned to me that the International Criminal Tribunal for the former Yugoslavia was looking for summer interns. Having spent much of time in the Navy in and around the former Yugoslavia I was intrigued, and a few months later I found myself back in national security as an intern in The Hague.

The subsequent years were a bit more conventional, with summers at law firms, clerkships, and a job as an

Assistant United States Attorney for the Eastern District of Virginia. But with the events of September 2001 the pull of national security, my prior experience, and my legal education combined in ways that were impossible for me to foresee when I started at Harvard. As a result, I found myself being assigned from the Department of Justice to the President's Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (the "Robb-Silberman Commission").

Although officially a Deputy General Counsel and Assistant Director of the Commission, in truth I spent a tiny minority of my time on legal issues—although I came to master such thrilling statutes as the Federal Advisory Commission Act—and instead served as a special assistant to the two co-Chairmen, former Senator Chuck Robb and HLS Alum Senior Judge Laurence Silberman. The job was fascinating, fundamentally serving as a PhD in intelligence operations and through an investigation into how the U.S. got its assessments of WMD in Iraq so wrong. I wasn't "lawyering" on a daily basis, but my legal training was invaluable as it helped in the investigation, guided my work on the FBI and domestic intelligence, and was critical to drafting a clear and concise report for the President and public.

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"...although I had no legal role, my legal education was in constant use: reading, analyzing, writing, and driving reform in areas that were intertwined with difficult legal issues. Whether it was developing the FBI's domestic intelligence capabilities, dealing with detainee issues, or addressing electronic" surveillance, my legal training proved invaluable."

At the end of the Commission's 14-month term, I had to decide if I would return to law practice or commit myself to a policy role in national security. Truthfully, it was not a terribly difficult choice as the work in national security was significantly more rewarding for me—not to mention even my legal mentors pushed me in this direction. I thus joined the newly created cabinet-level Office of the Director of National Intelligence (ODNI) as the Deputy Chief of Staff. Once again, although I had no legal role, my legal education was in constant use: reading, analyzing, writing, and driving reform in areas that were intertwined with difficult legal issues. Whether it was developing the FBI's domestic intelligence capabilities, dealing with detainee issues, or addressing electronic surveillance, my legal training proved invaluable.

After two years with the ODNI I began considering legal academia but once again an opportunity in national security kept me away. This time I was asked to serve as the Principal Deputy Director of the National Counterterrorism Center (NCTC). A short eight months after joining as the Principal Deputy I became the Acting Deputy, and not long after I was ultimately nominated to the Senate by President George W. Bush to serve as the Center's Director.

As Director of NCTC I was responsible for running a 1,200-person organization (which included five lawyers) and providing intelligence to all elements of the U.S. Government. As one can imagine, legal issues were ever present, whether it was the USA PATRIOT Act, domestic terrorism investigations, negotiations with the European Union, or even contracting and acquisition issues. Although not a lawyer, my experience from Harvard and as a prosecutor could not have been more relevant. And I imagine that my having graduated from HLS didn't hurt when my next boss—President Obama—asked me to continue to serve in his Administration.

In 2011—after twenty years in the U.S. Government minus three for my time at HLS—I entered the private sector. But while I left official national security service I remained in the field, moving to a Silicon Valley-based software company that specializes in dealing with the enormous data and information sharing challenges in national security and elsewhere. At the same time, I remain engaged in national security work through advisory boards at such organizations as the National Security Agency (NSA) and the RAND Corporation.

What words of wisdom would I offer for those interested in national security at HLS? First and foremost, take risks! I had little if any idea how my various steps would combine to lead me down the path I followed. I couldn't predict how things

would play out, but it was because of my education at HLS that I had core skills that applied in a variety of contexts—not to mention a degree that made me relatively confident that if things didn't work out I could always find a good opportunity in more traditional legal circles. Second, if you care about national security start sooner rather than later. It is all too easy to dream about such a path and suddenly find oneself mid-career having never taken the leap. In short, there is no time like the present.

I have been incredibly lucky in my national security experience. But HLS helped make my luck. Not every path is clear—nor is it necessarily straight. But HLS will help you adjust no matter the course. Take advantage of those opportunities.

Rebecca Weiner '05

Rebecca Ulam Weiner, HLS '05, is the Director of Intelligence Analysis at New York City Police Department's Intelligence Division, where she oversees the Division's analytic and cyber units. She is one of the principal advisors to the Deputy Commissioner of Intelligence on counterterrorism matters, and she shares responsibility for Division-wide policy development and program management.

The best advice I can give is probably the least reassuring: do not be afraid to take an open-ended route into your career—even if it appears to meander, and even when you are not entirely sure where it will end up. There is risk associated with deviating from the set of conventional career options presented to you at law school, but also fulfillment.

During law school, and particularly toward the end, I was drawn to courses with a national, or international, security bent. There was only a handful at the time, Professor Heymann's Terrorism course being the best-known (and one of the high

"As the Director of Intelligence Analysis, I think every day about many of the core issues that I found most compelling in law school—federalism, the balance of powers, the 1st amendment, the 4th amendment, to name just a few. The unit that I run has tremendous responsibility to make sure that our counter-terrorism mission is fully consistent with our civil service mission. My law degree has been invaluable in getting me to a position to be able to do so."

points of my Harvard Law School experience). There was less national security-oriented extracurricular programming then than there is now, but I participated in what I could. I found a way to write on a fairly broad range of national security topics, including my third-year paper, which after law school I turned into a monograph on the legal implications of outsourcing military capabilities to the then-burgeoning private security industry in Iraq and Afghanistan.

I encourage you to develop an interest-area focus in law school if you know that you have one, even if this means passing on some of the courses that your peers will take to prepare them for more straightforward legal careers. I knew when I entered law school that I was a "Law and ___" person, and my choice of courses and extracurricular activities reflected that. Most likely, you will never again have both the freedom and resources available to read, think, write and develop that you do in law school, so take advantage of it.

If exploring the national security field as a substantive matter was relatively easy for me in law school (and it is even easier for you today), thinking about a career path was harder. I had a strong sense of what interested me, but I was not at all

sure how that mapped onto the job market. During my 1L summer, I gave a nod to my pre-law school days by working at a Washington DC-based weapons-nonproliferation think tank as a legal fellow. I researched and wrote on the first amendment implications of pre-publication restraints on dual-use bioresearch and other issues surrounding biosecurity. I went through law firm recruiting during my second year hoping to find a niche at a firm that specialized in national security issues, before deciding to just try the firm experience for a summer. As I had suspected before my first day, it was not the right choice for me, although I would not have known that without trying it.

During my third year, I became increasingly focused on counterterrorism and the issue of privatizing military force, and I decided I needed more time to figure out how I wanted to direct my interests. I applied for an International Security Fellowship at the Kennedy School's Belfer Center for Science and International Affairs, which provided me a tremendous opportunity to research, write, and publish with few distractions save the wealth of lectures and events that I was able to attend. It was toward the end of my fellowship that Police Commissioner Ray Kelly of the New York City Police Department came to the Kennedy School to talk about the unique ways that the NYPD was confronting terrorism—including the creation of a new cadre of civilian analysts to help identify, monitor, and mitigate the threat of terrorism to New York City. The program, nascent at that time, was in many ways the opposite of what I was then doing. While still focused on national security issues, it was tactical rather than strategic, and operational rather than academic. But it also felt like the obvious next step—one that would allow me to take up many of the substantive strands I had gradually woven over time and get involved in the churn of issues at the level of implementation rather than from the cool remove of study. I applied the next day and began working at the NYPD's Intelligence Division at the conclusion of my fellowship.

Both my uniformed colleagues at the NYPD and my HLS classmates expressed some surprise at my transition from HLS to the NYPD. It was certainly not what I would have predicted entering law school. However, it was undoubtedly the best leap of faith I have taken. And as our program has developed since 2006, when I came on board, it has become a far less surprising trajectory for others.

While I was hired primarily as an analyst, responsible for a portfolio of counterterrorism investigations, my law degree offered me entree into a host of interesting legal issues that confront a law enforcement agency doing intelligence work. I developed the hybrid “Law and ___” role at NYPD that I had enjoyed at law school. I spent a year in Washington, DC, at the National Intelligence Council,

where I looked at similar security issues from a federal vantage point—transitioning from a tactical role to a strategic one, but as a practitioner not an academic. When I returned to NYPD, I shed my analytic portfolio in favor of managerial and legal responsibilities, by 2010 becoming the Legal Counsel of the Intelligence Analysis Unit, and more recently assuming leadership of the unit as the Director of Intelligence Analysis.

Balancing the preservation of order and safety with the protection of civil rights and civil liberties is particularly complicated in the national security arena, and the fact that we are a local police force with international reach only adds to the challenge. As the Director of Intelligence Analysis, I think every day about many of the core issues that I found most compelling in law school—federalism, the balance of powers, the 1st amendment, the 4th amendment, to name just a few. The unit that I run has tremendous responsibility to make sure that our counterterrorism mission is fully consistent with our civil service mission. My law degree has been invaluable in getting me to a position to be able to do so.

Michael Bahar '02

Michael Bahar, HLS '02, is currently General Counsel to the Minority Staff of the House Permanent Select Committee on Intelligence (HPSCI). Previously, he served as Deputy Legal Advisor to the National Security Council (NSC) at the White House. He has served in the U.S. Navy since 2003, with tours at sea, in Afghanistan and at the Pentagon.

The day I got into the HLS, I smoked a cigar on the steps on the New York State Capitol. But this was no ordinary cigar. It used to belong to Hitler's head of the *Luftwaffe*, Hermann Goering. Somehow, it got into the hands of my great grandfather, a Holocaust survivor, returned to his hometown in Germany after the War to rebuild its Jewish community. In 1997, my grandparents, also Holocaust survivors, passed them to me. Two later, in complete awe of what they done to rebuild their community and get me to this point, I smoked the and watched with an overwhelming sense of gratitude as the smoke curled upward.

"...the earlier you get into national security, the better. The national security legal community in particular is a very small circle, which is very hard to break into later in one's career. It is better to get into a national security field, like the JAG Corps, right out of law school and then transition to something else, rather than the other way around... You can always go in and out, but it is better to be in first."

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When I came to HLS, I knew I wanted to pay back that gratitude; and in my first week, I met a 2L who would ultimately recruit me into the U.S. Navy JAG Corps. I submitted my application shortly after 9/11, which started my 3L year, and I commissioned a few months later. I started Officer Indoctrination School in Newport, Rhode Island one day after taking the New York Bar, and after 10 months as a litigation associate at Paul, Weiss in NYC, I went on Active Duty in June 2003, a few months after the outbreak of the Iraq War.

While in the Navy, I was fortunate to prosecute felony courts-martial in Jacksonville, FL; to serve as the sole Navy lawyer for a multi-ship strike group deployed to the Arabian Gulf and Horn of Africa in support of Operations Enduring and Iraqi Freedom; and to have multiple tours in the Pentagon (first as the Aide to the Deputy Judge Advocate General of the Navy and Commander, Naval Legal Service Command, and second as the Deputy Legal Advisor to the Vice Chief of Naval Operations). I also was fortunate to serve with a Special Operations Task Force in Afghanistan. Between 2010 and 2012, the Navy also

allowed me to serve as Deputy Legal Advisor to the National Security Staff at the White House.

Each of these positions were immensely exciting, and offered me a unique way to learn and, most important, to serve. For example, while with the Strike Group in 2006, we captured the Navy's first set of pirates in generations. I even traveled to Kenya to testify against them. In the Special Forces community, I became military free-fall qualified (meaning I learned to jump out of planes, with oxygen masks, at night, in formation, and to fly the canopy to land on a designated spot), while being able to advise on cutting edge legal issues involving the use of force. In Afghanistan, I also got to work with the Afghans to transition the lead for special operations to the Afghans, as well as to transition special operations there from an intelligence-based model to an intelligence-plus-evidence model.

My time as the Aide to the Deputy Judge Advocate General of the Navy, now retired Vice Admiral James W. Houck, was a master-class in leadership—one of the most valuable and enjoyable experiences of my life. During my time with the Vice Chief, I got to advise senior Navy leadership on ethics and administrative law matters, and at the White House, I advised the President, National Security Advisor, Assistant to the President for Homeland Security and Counterterrorism, and Staff on a wide range of national security legal issues, including foreign relations law, presidential emergency and war powers, intelligence law, the use of force, information safeguarding and security, ethics, and congressional oversight. During my time there, I was the NSC lawyer for the Deepwater Horizon Oil Spill, Fukushima, the Egypt Crisis, the ratification of New START, and a whole host of other events.

As I originally wrote this piece, I was in the midst of a very difficult decision to leave Active Duty after almost a decade of uniformed service. But, I was also excited to start serving in a civilian capacity as General Counsel for the Minority of the House Permanent Select Committee on Intelligence (HPSCI), the House Committee charged with overseeing the U.S. Intelligence Community, including the CIA and NSA. I also affiliated with the Navy Reserves, which has proven to be an excellent experience.

What words of wisdom would I offer for those interested in national security? First and foremost: take the road less traveled, even if that means making your own road. National Security is inherently a multi-disciplinary field, and the more

experiences, perspectives, and skills you have, the better off you are. However, learning new things and never allowing yourself to get too comfortable also means taking risks. During 1L fall, Professor Todd Rakoff sat us down and told us that the value of an HLS degree is not the ability to “get to the top fast” but to be able to switch tracks throughout your career. I have found that to be true—at least so far. If the road less travelled is a dead end, then an HLS degree will help you find a new path. I have repeated Professor Rakoff’s words to myself as a sort of mantra each time I contemplate stepping off a path towards a new one, just as I am doing now.

Second, the earlier you get into national security, the better. The national security legal community in particular is a very small circle, which is very hard to break into later in one’s career. It is better to get into a national security field, like the JAG Corps, right out of law school and then transition to something else, rather than the other way around. The national security community is a community built on trust and it requires a skill set that can’t be fully attained from the outside. You can always go in and out, but it is better to be in first.

Eugene R. Fidell '68

Eugene R. Fidell, HLS '68 served as a judge advocate in the United States Coast Guard from 1969 to 1972. Since then, he has spent the majority of his career focusing on military law. He teaches at Yale Law School and is of counsel at Feldesman Tucker Leifer Fidell LLP.

When I graduated from Harvard Law School in 1968, I knew I would have to enter the military, as there was a draft at the time and I was physically fit. I wound up going into the U.S. Coast Guard, training first to be a seagoing officer but was soon reassigned to legal duties. I served for three years, seven months, and eight days. My service included training in Yorktown, Virginia, and Newport, Rhode Island, two years' duty in Boston, and one in Washington, DC. I prosecuted and defended courts-martial, represented the government in merchant marine disciplinary hearings, conducted conscientious objector hearings, investigated claims against the government as well as maritime mishaps, and advised on fisheries and drug enforcement matters. My sea duty was as legal officer to the 1970 America's Cup Patrol Squadron.

After leaving active duty I returned to the white shoe law firm at which I had briefly worked after graduation, and practiced environmental and nuclear law. At the same time, I began to acquire clients with military problems and served as the ACLU's pro bono counsel in cases before the U.S. Court of Military Appeals (now the U.S. Court of Appeals for the Armed Forces). I joined my present firm in 1984, where my litigation practice came to focus on military-related matters, including high-profile cases such as that of Captain James Yee, the Muslim chaplain at Guantanamo.

In 1991, I co-founded the National Institute of Military Justice, of which I was president for 20 years. I've done a great deal of writing (including co-authoring a casebook, *Military Justice Cases and Materials* (LexisNexis 2d ed. 2012)) and began teaching, initially as an adjunct, in 1993. At Yale, where I now teach full-time, my courses include Military Justice, Guantanamo, Admiralty, Law of the Sea, Federal Indian Law, and Disasters. I have also taught at Harvard and American University. I served for several years on the ABA Task Force on Enemy Combatants and Standing Committee on Law and National Security and am currently president of the Committee on Military Justice of the International Society for Military Law and the Law of War.

My highest priority is to encourage law schools to offer courses in military justice because I believe it is unhealthy in a democratic country for the armed forces to

have a monopoly on learning in that field. I also think it is critical for students (and lawyers) to have a global perspective.

My own experience shows the diversity of the National Security Law field. There are any number of career paths in it. My own—an unplanned combination of private practice, brief government service, pro bono activity, scholarship, and now, teaching—has been tremendously stimulating and satisfying.

Juliette Kayyem, '95

Juliette Kayyem, HLS '95, most recently was a candidate for Governor in MA. A writer, teacher, lawyer, and public servant, she has been a Lecturer in Public Policy at Harvard's Kennedy School of Government, a CNN analyst, and a Pulitzer Prize finalist as a columnist for the Boston Globe. She previously served as Assistant Secretary for Intergovernmental Affairs at the Department of Homeland Security and as the Homeland Security Advisor to Governor Deval Patrick of Massachusetts.

My exact biography is not as important as a key, and surprising, lesson that I learned along the way: national security matters are not only an issue for the federal government. While my federal jobs—at the Dept. of Justice during the Clinton Administration and then at the Department of Homeland Security during the Obama Administration—were exciting and challenging, I sometimes consider my job in state government as the most fulfilling.

In state government, I was able to oversee operational components that were integral to both the state's security as well as a part of America's overall security efforts. This meant dealing with issues as far ranging as the role of the National Guard in emergency management to immigration efforts that were often in contrast with federal efforts (in this case, Massachusetts was much more receptive to immigrant rights than many federal policies). I struggled with concerns that are as deep and difficult as those that are debated on the federal level (I should know, as I found myself having the same conversations once I moved to D.C.). These include concerns over privacy rights related to the state and local intelligence efforts, how much authority to give to the military in a time of crises, social distancing and immunization rules during the H1N1 outbreak, the balance of commercial interests against security ones at a large port, the receiving of patients from the Haiti earthquake, etc. The "homeland" is essentially about balancing local, state, and federal needs—and sometimes failing in that effort—so there is no reason to believe that the only way to contribute requires a move to D.C.

I provide this little snippet of my career because when you go to a school like HLS, the orientation is so often that "government" work, and in particular national security work, means federal experience. It doesn't have to. Across the board, the security apparatus exists at every level of government and needs smart and dedicated people, with critical thinking skills, who will challenge the very apparatus that they are a part of. If we left security to the security experts, the nation would look a lot different: it needs the very counterweights and questioning

that young lawyers are so good at. And it needs them working at levels of government that are the closest to the citizens they are meant to protect.

In both state and federal government, having a legal degree provided an important skill even as my career veered more and more from traditional legal jobs. I did start off as a trial attorney at the Justice Department, but it was my work in policy aspects related to counterterrorism that launched me into the true national security realm. Yet, even as I did mostly policy and operational work, it was essential that I understood the law, that I understood the contours of what we could and could not do, and—to be honest—that I had a respect for the lawyers in the room who were providing me with advice. Too often, in national security, lawyers are viewed as contrary or slow; I found the opposite to be true and the more that I brought them into the room, the better off we all were.

“If we left security to the security experts, the nation would look a lot different: it needs the very counterweights and questioning that young lawyers are so good at. And it needs them working at levels of government that are the closest to the citizens they are meant to protect... Too often, in national security, lawyers are viewed as contrary or slow; I found the opposite to be true and the more that I brought them into the room, the better off we all were.”

I have been in and out of government work for most of my career; I have practiced law in those jobs for only a few of them. So, I’m an example of how my legal education introduced me to a field—at the time, the relatively unknown counterterrorism field—that then opened up tremendous opportunities in policy and operational work, let alone in academia, journalism and politics.

Matthew Olsen '88

Matthew Olsen, HLS '88, has served as the Director of the National Counterterrorism Center (NCTC) since 2011. He previously served as the General Counsel for the National Security Agency, where he was the chief legal officer for NSA, as well as the Associate Deputy Attorney General at the Department of Justice.

Similar to many others, I began working on national security and counterterrorism after the September 11 attacks. While at HLS, I was interested in issues involving criminal justice, civil liberties, and the role of government, but I did not set out to

“[As the Director of the NCTC] I do not serve as an attorney, but I find my legal education and background to be invaluable. I analyze complex facts, brief senior officials, and advocate on behalf of the government on a wide variety of issues relating to counterterrorism.”

pursue a career in national security law. Indeed, I do not recall any law school courses dedicated to national security. But years later when I had the opportunity to work at the FBI—at time when the Bureau was in the midst of its transformation in response to the threat of terrorism—I jumped at the chance and have continued to work in a number of different jobs involving national security.

At the Law School, I worked on the Civil Rights-Civil Liberties Law Review and with the Harvard Defenders. I was inspired by some terrific professors, including Martha Minow, Frank Michelman, Phil Heymann and Charles Olgetree. I did not have a clear plan for work after law school, but was intent on working in a public interest job. After law school, I clerked for a district court judge and had stint in a law firm.

As a law clerk in D.C., I saw first-hand the trial work of government attorneys, especially federal prosecutors. I decided to apply for a position in the Department of Justice’s Civil Rights Division and worked in the Voting Section on cases involving the protection of minority voting rights. After a couple years, I joined the U.S. Attorney’s Office in D.C. and became an Assistant U.S. Attorney—a position I held for 12 years. I handled the full range of criminal cases, ranging from homicides to public corruption to RICO and terrorism prosecutions. As an AUSA, I had the opportunity to serve a community I cared about and to work with many dedicated and talented prosecutors and law enforcement officials.

In 2004, I was offered a position with FBI Director Mueller as special counsel. The FBI was undergoing fundamental changes, as it reoriented its focus to fulfill its role as an intelligence agency and to prevent another terrorist attack against the

country, and I was able to work on many of the national security challenges the Bureau faced.

Based on this experience, I decided to continue to focus on national security law, holding a number of positions in the Department of Justice. In particular, I was part of the team that helped stand up the new National Security Division, which combined in one organization DOJ's terrorism and espionage prosecutors and intelligence law professionals. In this role, I worked on the legislative reform of the Foreign Intelligence Surveillance Act and represented the government before the FISA Court. Later, I led an interagency task force established to conduct a review of the detainees at Guantanamo detention facility and to help determine the disposition of each detainee in support of the President's executive order on Guantanamo.

More recently, I served as general counsel at the National Security Agency. I was the chief legal officer for NSA and principal legal advisor to the NSA Director, providing advice and representation on all of NSA's missions, including intelligence and counterterrorism operations and cyber security.

In 2011, I was confirmed as the Director of the National Counterterrorism Center. Established by Congress in 2004, NCTC serves as the primary organization in the government for integrating and analyzing intelligence pertaining to international terrorism. In this position, I do not serve as an attorney, but I find my legal education and background to be invaluable. I analyze complex facts, brief senior officials, and advocate on behalf of the government on a wide variety of issues relating to counterterrorism.

My advice to students? First, try to work with people you respect and admire. Looking back, I feel very fortunate to have had the chance to work with many exemplary government lawyers and other officials, who have inspired and guided my career decisions. Next, be willing to take risks—more traditional legal positions will be available, but being open to less conventional jobs will lead to possibilities that you could not have predicted. Last, I would suggest that you seek to work on issues that you care about. Pursue jobs that interest you. HLS opens doors to so many great positions, and you should take advantage of those opportunities.

Carrie F. Cordero

Carrie Cordero is the Director of National Security Studies and an Adjunct Professor of Law at Georgetown University Law Center. She previously served as the Counsel to the Assistant Attorney General for National Security at the Department of Justice and as the Senior Associate General Counsel at the Office of the Director of National Intelligence (ODNI).

After graduating from college, I considered law school but wanted to work first. I entered the U.S. Department of Justice as a legal assistant in the Antitrust Division just one month after graduation. It was a great job—full of excellent lawyers who valued mentoring the legal assistants doing one to two-year stints. The lawyers there loved antitrust law. In fact, one of the attorneys actually got excited when hundreds of boxes of documents arrived in the course of a merger review! After two years there, I knew two things: first, I did not love antitrust law, and second, I wanted to practice an area of law that I loved as much as those lawyers loved antitrust.

I found a rare opening for a legal assistant in what was then a very small, low-profile corner of the Department: the Office of Intelligence Policy & Review (OIPR). OIPR served as the Attorney General’s primary legal advisors on national security matters. At the time, I was midway through my first year of law school. (I went at night while working full time at the Department). As the only legal assistant/law student in a small office that handled all of the national security surveillance applications in the country, I was fortunate to work on some of the most sensitive national security information at the time. I am fairly certain that I was the only law student whose work product routinely went to the Attorney General for approval, and that responsibility, and pressure, was not lost on me.

“Don’t wait for someone else to hand you an opportunity. Bureaucracies and large organizations will be happy to keep you doing what you have been doing if you are good at it and productive, particularly if you are a “workhorse.” So seek out new opportunities. Keep learning!”

I started in OIPR in early January 2000. The office had just spent the past month, at least, working around the clock to protect the nation from threatened terrorist activity related to the “Millennium Threat.” My first assignment was to “make some sense of everything we’ve done” in relation to the threat. I met FBI Director Freeh on my second day in the office. I was hooked.

Over the next several years I worked on major counterterrorism cases at the intelligence collection stage, as well as the aftermath of attacks: the *U.S.S. Cole* first, then 9/11. I was one of the first OIPR staff members assigned to the FBI's Strategic Information Operations Center (SIOC)—within an hour or two of the second plane hitting the Towers. There are a few moments I will never, ever forget: the early minutes when we feared there could be as many as 50,000 people in the Towers; the somber silence in SIOC when it was announced that former Special Agent John O'Neill of the New York Division had died in the attacks; and the commanding, comforting, and visible presence of new FBI Director Mueller on SIOC's floor.

For the next several months, I staffed SIOC by day—coordinating surveillance requests for approval before the Foreign Intelligence Surveillance Court (FISC)—and went to law school classes at night. There were a few times I then went back to SIOC for a later shift. Those days and nights, which turned into months and continued work over the years, undoubtedly changed my world view, my career path, and my life.

With my law school degree in hand a couple years later, I signed on with OIPR as a staff attorney through the Attorney General's Honors program. I continued to work on counterterrorism matters, as well as a select number of counterintelligence cases. I also got more involved in policy projects and in the issues related to litigation involving classified information.

Over the next several years, while formally attached to OIPR, I made it a point to gain broader experience. I obtained a detail as a Special Assistant United States Attorney in the Northern District of Texas, where I handled immigration-related cases. Subsequent to the detail, I was one of a small number of Main Justice attorneys who worked out of FBI field offices as the resident “intelligence lawyer”—working with agents, analysts and prosecutors in the field. After two years in Texas, we moved our family back to Washington, where I continued to work on increasingly complex national security cases before the FISC.

In 2007, again looking to expand my knowledge and skills, I competed for and obtained a joint duty assignment to the General Counsel's office of the Director of National Intelligence. The timing could not have been better. Among other things, I was assigned to work on the DNI's top priority: obtaining updated legislation related to the Foreign Intelligence Surveillance Act (FISA) in order to modernize the 1978 law in accordance with technological changes that had outpaced the law. Once the legislation passed in 2008, our legal team's focus shifted to the

interagency coordination involved in implementing the new law and creating a comprehensive oversight and compliance structure. The experience I gained in the interagency process was invaluable, and I brought that experience to bear when I returned to the Department of Justice in 2009 as Counsel to the Assistant Attorney General.

In November 2011, I joined Georgetown Law as its first Director of National Security Studies, where I teach the course *Intelligence Reform & the Modern Intelligence Community*, as an Adjunct Professor. I have greatly enjoyed working with our J.D. students who are seeking to enter the field of national security law, as well as our LL.M.s, many of whom have years of practical. I am proud of the work we have done to keep our program on the cutting edge of the field of national security law.

This year (2014), in addition to my part-time role at Georgetown, I have also launched a solo law and advisory practice focusing on national security and homeland security law and policy. It has been four years since I left the Justice Department, and it is time to get back to practicing law. I am excited about this new chapter, while recognizing that it is full of risks. My late grandfather, a self-made successful businessman, always said that nothing beats being your own boss. I figured it is now or never.

If I could summarize the advice that I give to students and other young attorneys starting out in the national security law field, it would be this: when you have been in a position for some time and you feel that you are repeating what you have done before and not learning new things, it's time to move on. Don't be afraid. And don't wait for someone else to hand you an opportunity. Bureaucracies and large organizations will be happy to keep you doing what you have been doing if you are good at it and productive, particularly if you are a "workhorse." So seek out new opportunities. Keep learning. At the end of the day, working in national security law, particularly at the operational level, is hard work—but it is also, day in and day out—incredibly meaningful work.

Jamil N. Jaffer

Jamil N. Jaffer currently serves as Senior Counsel for the Permanent Select Committee on Intelligence of the United States House of Representatives and as an Adjunct Professor at the National Intelligence University and at the George Mason University School of Law. Jamil previously served in the White House Counsel's Office and at the Department of Justice in the National Security Division and the Office of Legal Policy.

Since I was a little kid growing up in Los Angeles, I've been fascinated by national security issues. It's my father's fault, really. He raised me on a steady diet of National Public Radio, air shows at Edwards Air Force Base, presidential politics, and dinner table arguments about the Falklands Islands War and the Iran-Contra matter. Who would ever have thought that one day I'd actually get the chance to work on real national security issues in the government? And yet, there it is; for the past seven years at least, I've been lucky enough to have the chance to work on some seriously interesting and challenging national security matters. In large part, it's been a product of luck, being in the right place at the right time, and having great bosses and colleagues; nearly all of them lawyers or former lawyers.

It was also my dad's fault that I went to law school. From day one, in addition to raising me on politics and national security, he also made it clear that his biggest regret growing up in East Africa was that he missed the chance to go to get his Ph.D. As a result, it was always clear that I was going to graduate school. And, given the background my dad provided me over years, law school seemed the clear choice.

Before law school, on the advice of a number of professors—including at least one long-time lawyer—I took time off to do something fun. I first went to a

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the

congressional campaign, and then to Capitol Hill. While I initially started out doing administrative work, Congressman Bob Goodlatte (R-VA) gave me my first real glimpse into the government's national security work, as—over time—he let me assist with his legislative work in areas including defense, foreign affairs, and trade policy.

After working for Congressman Goodlatte for two years, I went to law school at the University of Chicago. Law school was a formative time, as it provided me with an academic and intellectual background that I simply hadn't gotten in undergraduate school. It was also a time of personal growth, intellectually and socially. In particular, the terrorist attacks of September 11, 2001, figured prominently in my law school experience, as they took place right at the beginning of my second year of law school.

Although it didn't happen right away, my law degree also proved to be the catalyst that brought me firmly into the national security arena. After clerking and spending a brief period at a D.C. law firm, my law degree and a lot of luck led to a series of opportunities in the Bush Administration, including positions in the Justice Department and the White House Counsel's office. At the Justice Department's Office of Legal Policy (OLP), I had the chance to work for Rachel Brand '98, who—in addition to letting me work on three Supreme Court nominations—gave me my first shot at working on national security issues in the Executive Branch.

That job, in turn led me to an opportunity in the Justice Department's new National Security Division (NSD), where I was lucky enough to get hired by the new law and policy shop at NSD. In that job, I got my first introduction to the world of classified intelligence and counterterrorism matters. I then had a chance to work in the National Security Division's front office. There, I had the opportunity to work on a range of interesting matters, including briefing before the Foreign Intelligence Surveillance Court of Review in only the second case in that court in nearly 30-year history. I also had a chance to serve with some of the most committed national security lawyers in the field, including John Demers '99, and Matt Olsen '88.

About a year after my move to the NSD front office, I had a chance to serve in the White House Counsel's Office as an Associate Counsel to the President. I only served in the White House Counsel's office for the last five months of the Bush Administration, but the experience and lessons I've taken with me from time at the White House are unforgettable.

After the Bush Administration ended, I returned to my law firm, but always longed to get back to the national security realm. When the Republicans reclaimed the House in November 2010, Chairman Mike Rogers gave me the chance to work full-time on national security matters at the House Intelligence Committee.

When I look back on each one of these jobs, and how I ended up in them, I can't help but think that it's been a product of a lot of really good luck. At the same

time, I'd like to believe there's something else to it; although I'm not sure I can really put my finger on it. Looking back, I think the key lessons I'd like to pass along are as follows: (1) believe you can get the job you want; it can actually happen; (2) work hard, be loyal to the people that give you opportunities, and bring people with you on the way up if you're lucky enough to go; (3) be a risk-taker and never turn down a chance to do something interesting or fun, it always has a way of working out; too many lawyers are overly risk-averse; and (4) having (and using) your law degree can be both personally rewarding and career-fulfilling. Best of luck.

Appendix

NON-PROFITS/NGOS/ADVOCACY ORGANIZATIONS

- American Civil Liberties Union (ACLU)
<http://www.aclu.org>
As a non-profit, non-partisan, NGO whose mission statement calls for the preservation of liberty and equality as stipulated in the U.S. Constitution, the ACLU is currently fighting a number of post September 11 National Security provisions they find to be in conflict with these values and rights. Although work in this field involves policy reform, these positions provide ample exposure to traditional legal practices.
- Amnesty International (AI)
<http://www.amnestyusa.org/our-work/campaigns/security-with-human-rights>
Amnesty International USA's Security with Human Rights Campaign works to promote a balance between national security and protecting human and civil rights.
- Center for Constitutional Rights (CCR)
<http://ccrjustice.org>
CCR is a non-profit legal and educational organization committed to advancing and protecting the rights guaranteed by the U.S. Constitution and the Universal Declaration of Human Rights. CCR pursues impact litigation and promotes education campaigns that further its ideals and mission.
- Electronic Frontier Foundation (EFF)
<https://www.eff.org>
EFF is a non-profit, non-partisan advocacy organization dedicated to digital rights and protecting civil liberties, including privacy and freedom of expression, in telecommunications.
- Electronic Privacy information Center (EPIC)
<http://epic.org/privacy>
EPIC is a public interest research group focused on electronic privacy and resulting civil liberties issues. In addition to research and analysis, the Center also engages in debate over legislation and direct litigation concerning privacy issues. The organization hires law clerks annually.

- HLS Armed Forces Association
<http://www.hrw.org>
 This is an organization of veterans, active duty military service members, and those who are either interested in joining or supporting the Armed Forces of the United States of America
- Human Rights Watch
<http://www.hrw.org/>
 This advocacy organization is a multinational NGO and international leader in research and activism on human rights, including the activities associated with U.S. national security efforts.
- Human Rights First: Law and Security Program
<http://www.humanrightsfirst.org/our-work/law-and-security/>
 Human Rights First is a non-profit, nonpartisan international human rights organization based in New York and Washington D.C. The organization's Law And Security Program promotes national security policies that respect human rights, focusing primarily on U.S. counterterrorism measures.
- Open Society Foundations
<http://www.soros.org/topics/national-security-counterterrorism>
 As part of its National Security and Counterterrorism division, Open Society Foundations seek redress for human rights violations linked to national security and counterterrorism operations. We are using freedom of information laws and other tools to investigate the complicity of African and European governments in the United States' extraordinary rendition program.

THINK TANKS

- The American Enterprise Institute (AEI)
www.aei.org
AEI is one of the oldest and most respected conservative research institutes, focusing on national defense policy among a wide variety of other issues foreign and domestic policy. There are opportunities for adjunct and in-house national security scholars, as part of the organization's Foreign and Defense Policy program. However, most scholars come to AEI after established careers in academia or research, and most have masters degrees in a national security related field.
- American Foreign Policy Council (AFPC)
<http://afpc.org>
AFPC is a right-of-center think tank focused on U.S. foreign policy. However, the organization has programs dedicated to national security issues, including counterterrorism and domestic security policy.
- Aspen Institute
<http://www.aspeninstitute.org/policy-work/homeland-security>
The Aspen Institute is a nonpartisan think tank focusing on a variety of policy areas. Its Homeland Security Program works to heighten public awareness as to the nation's vulnerability to terrorism and to persuade the nation to take the necessary steps to tighten the nation's security measures.
- Atlantic Council of the United States
<http://www.acus.org>
The Atlantic Council is a nonpartisan, international affairs think tank focused on U.S. policy and leadership. The organization focuses mainly on greater foreign policy issues, but does publish material on issues of national security.
- The Brookings Institution (Brookings)
<http://www.brookings.edu>
Brookings is one of the oldest and most highly-cited think tanks in the world, having been a factor in American policy for nearly a century. Brookings has a robust national security presence, as a part of its Defense and Security program.

- Business Executives for National Security (BENS)
<http://www.bens.org>
 The nonpartisan and non-profit Business Executives for National Security (BENS) supports the U.S. government by applying *pro bono*, best business practice solutions to national security problems. The organization has a number of regional offices in addition to its national headquarters.
- Carnegie Endowment for International Peace
<http://carnegieendowment.org>
 The Carnegie Endowment is an internationally-recognized foreign policy think tank, with international and domestic offices. The organization has a more global focus, supporting democratization and international peace.
- The Cato Institute
<http://www.cato.org>
 The Cato institute is the foremost libertarian think tank in the United States. It has programs dedicated to homeland security and civil liberties, among other national security areas.
- Center for American Progress
<http://www.americanprogress.org>
 The Center for American Progress is an independent nonpartisan educational institute dedicated to improving the lives of Americans through progressive ideas and action.
- Center for International Policy (CIP)
<http://www.ciponline.org>
 The CIP is a research and advocacy think tank focused on promoting a more cooperative and more demilitarized U.S. foreign policy and approach to national security. The Center's has a dedicated National Security Project, which includes a focus on promoting human rights.
- Center for National Policy (CNP)
<http://cnponline.org>
 The CNP is a non-partisan think tank that focuses broadly on U.S. national and economic security. The Center's research on National Security includes analysis of both internal and external threats and safeguards to American safety.

- Center for National Security Studies
<http://www.cnss.org>
 The Center for National Security Studies is a research and advocacy organization whose core mission is to “prevent claims of national security from eroding civil liberties or constitutional procedures.” The Center has a specific focus on advocacy, working alongside human rights groups—among other organizations—and providing legal and political consulting.
- Center for Security Policy (CSP)
<http://www.centerforsecuritypolicy.org>
 The CSP is a right-of-center think tank that promotes a “peace through strength” approach to national security. The Center’s National and Homeland Security program includes research and analysis on U.S. government policy.
- Center for Strategic and Budgetary Assessments (CSBA)
<http://www.csbaonline.org>
 CSBA is a think tank specializing in US defense policy, force planning, and budgets. The organization includes a specific focus on strategy and defense policy.
- Center for Strategic & International Studies (CISS)
<http://csis.org/>
 CSIS is a bipartisan foreign policy think tank and is one of the largest research institutions devoted to providing policy analysis to government officials. As part of its Defense and Security division, the organization contains a Homeland Security and Counterterrorism Program and the Women in International Security (WIIS). The Center also has a dedicated Human Rights and Security Initiative to address the security implications of human rights abuse.
- Chicago Council on Global Affairs
<http://www.thechicagocouncil.org>
 The independent and nonpartisan Chicago Council is a 90+ year old think tank dedicated to international affairs and resulting national policy. Research and analysis of U.S. national security is sponsored through the Council’s Foreign Policy and National Security section.

- Claremont Institute
<http://www.claremont.org>
 The Claremont Institute is a conservative think tank dedicated to promoting and applying the principles of the Founding Fathers to modern public policy debates. The Institute has several subsidiary programs dedicated to national security issues, including its Americans for Victory over Terrorism (AVOT) and its Ballistic Missile Defense Project.
- Council on Foreign Relations (CFR)
<http://www.cfr.org>
 The nonpartisan CFR is a publisher and think tank specializing in U.S. foreign policy and international affairs. The Council has an extensive Defense/Homeland Security division—with specializations including Defense Strategy, Homeland Security, and Intelligence—as well as a Terrorism division with research and analysis on “Terrorism and the Law.”
- Foreign Policy Research Institute (FPRI)
<http://www.fpri.org>
 FPRI is a think tank focused on geopolitics and international security. The organization includes research programs on Terrorism/Counterterrorism and National Security.
- Henry L. Stimson Center
<http://www.stimson.org>
 The Stimson Center is a nonpartisan global security think tank dedicated to “enhancing international peace and security through a unique combination of rigorous analysis and outreach.” The Center conducts research and analysis in a number of areas of National Security, including the “rule of law” and international law.
- The Heritage Foundation
<http://www.heritage.org/>
 The Heritage Foundation is a conservative think tank that addresses the full spectrum of issues in domestic and foreign policy, including Homeland Security and Terrorism. In addition, experts in Heritage’s Center for Legal and Judicial Studies also examine topics such as intelligence gathering and military detentions. The organization also publishes an Insider Guide to Public Policy Experts and Organizations, available online at

www.policyexperts.org, which is an excellent resource for experts and organizations in the field of National Security.

- Homeland Security and Analysis Institute (HSSAI)
<http://www.homelandsecurity.org/>
HSSAI is a federally funded research and development center (FFRDC) operated by Analytic Services Inc. on behalf of the Department of Homeland Security (DHS). Although sponsored by the U.S. government, HSSAI is an autonomous organization required to operate in the public interest with objectivity and independence. The Institute focuses on matters of performance as much as policy, helping to consult federal agencies.
- Hoover Institution at Stanford University
www.hoover.org
The Hoover Institution founded in 1919 by Herbert Hoover contributes extensive research and knowledge in a number of areas of public policy, including national security. The Koret-Taube National Security and Law Task Force examines the rule of law, the laws of war, and American constitutional law in regard to Homeland Security.
- Hudson Institute
<http://www.hudson.org/>
The Hudson Institute is a conservative think tank “dedicated to innovative research and analysis that promotes global security, prosperity, and freedom.” Among many other research areas, Hudson has experts in Homeland Security, Terrorism, and National Security.
- Institute for Foreign Policy Analysis (IFPA)
<http://www.ifpa.org>
The IFPA is a nonpartisan research organization specializing in national security, foreign policy, and defense planning issues. Experts in the organization directly consult policy makers and industry leaders on issues such as Counterterrorism and International Law.
- The Investigative Project on Terrorism (IPT)
<http://www.investigativeproject.org>
IPT is a non-profit research group focused on analyzing radical terrorism. In addition to consulting numerous government agencies on strategy and

counterterrorism measures, the organization has also been involved in anti-terror prosecution and litigation.

- Potomac Institute for Policy Studies

<http://www.potomacinstitute.org/>

The Potomac Institute is a public policy research institute focusing on science, health, technology, and national security issues. The Institute provides consultation on the U.S. Congress, U.S. military, various Executive Branch agencies, and private industry. In particular, the Institute's International Center for Terrorism Studies includes experts with experience including law school instruction.

- RAND Corporation

<http://www.rand.org/>

RAND Corporation is a policy think tank that engages in formulating innovative research and analysis for a wide array of public policy topics. Much of RAND's work stems from private and public clients, especially U.S. government agencies. RAND's expertise extends into National Security; RAND's "Terrorism and Homeland Security" and "National Security" research areas address both national security operations as well as the governing legislation.

- Women In International Security (WIIS)

<http://wiisglobal.org/wordpress1/>

WISS, which functions as a partner of the Center for Strategic and International Studies, serves to actively advance women's leadership in the national security field through networking and career development.

- World Security Institute (WSI)

<http://www.worldsecurityinstitute.org>

The Center for Defense Information (CDI) develops and publishes expert analysis of security issues and defense policy as a component program of WSI. The program's experts focus mostly on national defense spending and strategy.

NATIONAL SECURITY FELLOWSHIPS

- Belfer Center
<http://belfercenter.ksg.harvard.edu/fellowships/>
Belfer Center fellows research a wide variety of topics, ranging from security issues such as nuclear proliferation and terrorism, to climate change and energy policy. Recent fellows have come from countries as diverse as Pakistan, Russia, Korea, Iran, Israel, India and China, and from professions including academia, business, government and the media.
- Boren Fellowship
https://www.borenawards.org/boren_fellowship
Boren Fellowships support study and research in areas of the world that are critical to U.S. interests, including Africa, Asia, Central & Eastern Europe, Eurasia, Latin America, and the Middle East. The countries of Western Europe, Canada, Australia, and New Zealand are excluded.
- Brookings Institute
<http://www.brookings.edu/about/employment/fellowship/2012/fp11192>
The Foreign Policy Program at the Brookings Institution invites applications for the award of one or two full-time resident fellowships for policy-oriented doctoral research for the 2012-2013 academic year. The fellowships are designed for candidates whose dissertation topics and career goals are directly related to the major interests of the Foreign Policy Program: war and peace issues; shifting power balances; and global order and human security. Awards will go to individuals whose research is near completion and will benefit from access to Foreign Policy scholars and the Washington policy-making community afforded by Brookings location in the nation's capitol. Fellowships are supported through generous funding from the Carnegie Foundation.
- CIA legal honors
<https://www.cia.gov/mobile/offices-of-cia/general-counsel/careers/honors-attorney-program.html>
The CIA Legal Honors Program allows a small number of exceptionally qualified recent law school graduates to obtain a broad exposure to the practice of national security law over a three-year period. Honors Program Attorneys typically will be assigned to two different Divisions within the CIA's Office of General Counsel during the course of the program, although

some may actually have three different assignments. Factors considered in assigning Honors Program attorneys will be the needs of the Office, the skill sets needed to succeed in a career within the Office of General Counsel, and the background and skills of the Honors attorney.

- Department of Homeland Security Secretary's Honor Program for Attorneys <http://www.dhs.gov/secretarys-honors-program-attorneys>
The Secretary's Honors Program for Attorneys (Honors Attorney Program) at DHS offers highly qualified individuals the unique opportunity to start their legal career by addressing some of the most critical and challenging issues facing our nation today. The broad mission of DHS offers Honors Attorneys experience in a variety of practice areas. These include, but are not limited to, litigation, administrative law, commercial law, procurement law, legislative and regulatory drafting, maritime law, immigration law, enforcement law, and national security law. Honors Attorneys can expect to be given a significant amount of responsibility early in their career, often handling highly visible or legally significant cases.
- Georgetown University National Security Fellowship <http://www.law.georgetown.edu/academics/centers-institutes/national-security/fellowship/fellowship.cfm>
The Georgetown Center on National Security and the Law hosts a two-year National Security Law Fellowship designed for a highly-qualified law school graduate specializing in national security law who intends to pursue an academic career.
- Herbert Scoville Jr. Peace Fellowship <http://scoville.org/>
The Herbert Scoville Jr. Peace Fellowship, established in 1987, is a highly-competitive national fellowship program that provides recent college and grad school graduates with the opportunity to gain a Washington perspective on key issues of peace and security.
- Institute of Current World Affairs Fellowship <http://www.icwa.org/FellowshipProgram.htm>
The ICWA fellowship program aims to nurture deep expertise in foreign countries and cultures by supporting a Fellow who carries out a program of self-designed, independent study abroad for a minimum of two years. We do not support degree programs at universities. Candidates are encouraged to

browse the ICWA archives on this website to see the kind of projects that the Institute had previously supported.

- International Affairs Fellowship

<http://www.cfr.org/thinktank/fellowships/iaf.html>

Launched in 1967, the International Affairs Fellowship (IAF) is a distinguished program offered by the Council on Foreign Relations (CFR) to assist mid-career scholars and professionals in advancing their analytic capabilities and broadening their foreign policy experience. The program aims to strengthen career development by helping outstanding individuals acquire and apply foreign policy skills beyond the scope of their professional and scholarly achievements.

- Jennings Randolph Senior Fellowship Program

<http://www.usip.org/fellows/index.html>

The Jennings Randolph (JR) Senior Fellowship Program has provided scholars, policy analysts, policymakers, and other experts with opportunities to spend time in residence at the Institute, reflecting and writing on pressing international peace and security challenges.

- Nadine Strossen ACLU National Security Fellowship

<https://www.aclu.org/job/fall-2015-nadine-strossen-fellowship-acluf-national-security-project-ny>

The National Security Project is part of the ACLU's Center for Democracy, which works to strengthen democratic institutions and values, and advocates for government transparency and accountability, and to reinforce the United States' commitment to human rights and the rule of law.

- National Security Fellows at Harvard Kennedy School

<https://exed.hks.harvard.edu/features/nsf.aspx>

The National Security Fellows Program at Harvard University's John F. Kennedy School of Government is a closed enrollment program which offers a ten-month postgraduate research fellowship for U.S. military officers and U.S. government civilian officials from the Intelligence Community who show promise of rising to the most challenging leadership positions in their organizations. Selection for this program is done by the respective military services and agencies.

- Thomas Pickering Foreign Affairs Fellowship

<http://woodrow.org/fellowships/pickering/>

The Thomas R. Pickering Foreign Affairs Fellowship Programs are a collaborative effort between the United States Department of State and the Woodrow Wilson National Fellowship Foundation. The Programs provide academic and professional preparation for outstanding candidates to enter the U.S. Department of State Foreign Service, representing America's interests abroad. Pickering Fellows are undergraduate and graduate students in academic programs relevant to international affairs, political and economic analysis, administration, management, and science policy. Women, members of minority groups historically underrepresented in the Foreign Service, and students with financial need are encouraged to apply.

- Tobin National Security Fellowship

<http://www.tobinproject.org/community/graduate-students/forum-fellowship-program>

The Tobin Project facilitates forum and fellowship programs for students in security studies and for those interested in the relationship between democracy and markets.

- Truman Security Fellowship

<http://trumanproject.org/programs/lead/fellowship/>

The Truman Security Fellowship Program trains and positions future policymakers to help advance their principles while not letting their values fall by the wayside in the face of everyday pressures, politics, and career advancement.

NGOs

- Atlas Network
<http://atlasnetwork.org>
Our vision is of a free, prosperous and peaceful world where limited governments defend the rule of law, private property and free markets. Our mission is to strengthen the worldwide freedom movement by identifying, training, and supporting individuals with the potential to found and develop effective independent organizations that promote our vision in every country.
- The Cato Institute
<http://www.cato.org>
The Cato Institute is a public policy research organization—a think tank—dedicated to the principles of individual liberty, limited government, free markets and peace. Its scholars and analysts conduct independent, nonpartisan research on a wide range of policy issues.
- Center for Individual Freedom
<http://cfif.org>
The Center seeks to focus public, legislative and judicial attention on the rule of law as embodied in the federal and state constitutions. Those fundamental documents both express and safeguard society’s commitment to individual freedom, not only through specific protections such as the Bill of Rights, but also through structural protections that constrain and disperse governmental authority.
- National Security Research Division
<http://www.rand.org/nsrd/about.html>
The RAND National Security Research Division (NSRD) conducts research and analysis for all national security sponsors other than the U.S. Air Force and the Army. The division includes the National Defense Research Institute (NDRI), a federally funded research and development center (FFRDC) whose sponsors include the Office of the Secretary of Defense, the Joint Staff, the Unified Combatant Commands, the defense agencies, and the Department of the Navy. NSRD also conducts research for the U.S. intelligence community and the ministries of defense of U.S. allies and partners.

