In October 2009, President Obama signed the 2010 National Defense Authorization Act, which includes a package of important changes to the Military Commissions Act of 2006. This symposium will address the legal and practical consequences of the revisions and what they mean in light of the recent decision to try several high-profile terror suspects in Article III courts and others by military commission.

The current Military Commissions Act was predicated on the idea of fixing a flawed system, one that betrayed core American values. Questions remain over the constitutionality of the act itself, the costs and benefits of commissions versus courtrooms, and the creation of a two-tier system of justice. Experts from academia, government, private practice, and the judiciary will debate these and other questions in this day-long event. Panels include: A View From the Bench, Perspectives from the Front Line, and The 2009 Military Commissions Act - The Fix for a Flawed System?
THE MILITARY COMMISSIONS ACT OF 2009: BACK TO THE FUTURE OR THE FIX FOR A FLAWED SYSTEM?

SCHEDULE OF EVENTS • FRIDAY, FEBRUARY 19, 2010

8:15 – 8:45 a.m. REGISTRATION
OPENING REMARKS
Douglas E. Ray, Dean, The University of Toledo College of Law

8:50 – 9 a.m. INTRODUCTION TO THE ISSUE:
James G. Carr, Chief Judge, Northern District of Ohio

9 – 10:15 a.m. PANEL 1: A VIEW FROM THE BENCH
Moderator: Hon. James G. Carr, Chief Judge, Northern District of Ohio
Panelists: Hon. Gerald E. Rosen, Chief Judge, Eastern District of Michigan
Hon. Marcia G. Cooke, Judge, Southern District of Florida

10:15 – 10:30 a.m. BREAK

10:30 a.m. – 12:15 p.m. PANEL 2: PERSPECTIVES FROM THE FRONT LINE
Moderator: Jonathan Witmer-Rich, Assistant Professor of Law, Cleveland State University
Panelists: Justin Herdman, Assistant Professor of Law, S.J. Quinney College of Law
Judge, Southern District of Florida
Darin Thompson, Asst. Federal Public Defender, Northern District of Ohio
Vicki Werneke, Asst. Federal Public Defender, Northern District of Ohio

12:15 – 1:30 p.m. LUNCH & KEYNOTE SPEAKER
John Q. Barrett, Professor of Law, St. John’s University School of Law

1:30 – 3 p.m. PANEL 3: THE 2009 MCA – THE FIX FOR A FLAWED SYSTEM?
Moderator: Robert N. Strassfeld, Professor of Law, Case Western Reserve University School of Law; Director, Institute for Global Security Law and Policy
Panelists: Capt. Glenn M. Sulmasy, Professor of Law, U.S. Coast Guard Academy
Amos Guiora, Professor of Law, S.J. Quinney College of Law, University of Utah
John Rizzo, former Acting General Counsel, Central Intelligence Agency

“The proposed domestic terror courts resolve two issues—the suspected terrorists’ right to confront his accusers and the right to a trial by a jury of one’s peers—critically to the criminal law paradigm while establishing a paradigm that guarantees a fair trial, admittedly with less rights for the defendant than in Article III Courts.”

- Testimony of Prof. Amos N. Guiora, “Improving Detainee Policy: Handling Terrorism Detainees within the American Justice System,” Senate Judiciary Committee, June 4, 2008

“It seems logical that since we are fighting a hybrid warrior—in a hybrid war—that the best means to detain and adjudicate the detainees is through the use of a hybrid court—a mix of our Article III courts and the military commissions.”

- Statement of Glenn M. Sulmasy, Before the Subcommittee on International Organizations, Human Rights, and Oversight, Committee on Foreign Affairs, United States House of Representatives, May 26, 2005

“No country with a well functioning judicial system should hide its justice behind military commissions.”


“It’s time to better protect the American people and our values by bringing swift and sure justice to terrorists through our courts and our Uniform Code of Military Justice.”

- Statement of President Candidate Barack Obama, in response to the partial Hamdan conviction, August 2008

“Military commissions have a long tradition in the United States. They are appropriate for trying enemies who violate the laws of war, provided that they are properly structured and administered.”


“The Constitution is best preserved by reliance on standards tested over time and insulated from the pressures of the moment.”


For directions and other information, please visit www.law.utoledo.edu/2009MCA.