

2008

## Foreword

Stephen Vladeck

Follow this and additional works at: <http://open.mitchellhamline.edu/wmlr>

### Recommended Citation

Vladeck, Stephen (2008) "Foreword," *William Mitchell Law Review*: Vol. 34: Iss. 5, Article 1.  
Available at: <http://open.mitchellhamline.edu/wmlr/vol34/iss5/1>

This Prefatory Matter is brought to you for free and open access by the Law Reviews and Journals at Mitchell Hamline Open Access. It has been accepted for inclusion in William Mitchell Law Review by an authorized administrator of Mitchell Hamline Open Access. For more information, please contact [sean.felhofer@mitchellhamline.edu](mailto:sean.felhofer@mitchellhamline.edu).

© Mitchell Hamline School of Law

## FOREWORD

Stephen Vladeck<sup>†</sup>

What follows is the second annual installment of an important contribution to the ever-burgeoning field that has come to be described as “National Security Law”—the *Journal of the National Security Forum (JNSF)*. As with last year’s inaugural iteration, this year’s questions and responses cut to the heart of some of the most pressing debates over national security law and policy. To provide their own answers to these questions, the *JNSF* has rounded up a distinguished panel of respondents.

The diverse and sophisticated range of answers and opinions that follow provides perhaps the most powerful testament available to the myriad legal complexities facing today’s law and policymakers when it comes to national security. Even among those of us who agree as to the fundamental answers to these questions, our explanations and rationales differ widely. Nevertheless, and regardless of the extent to which readers may gravitate toward the answers of one contributor over another, it should go without saying that such studied and reasoned disagreements serve only to raise the level of debate, a goal that I have no doubt all of this year’s respondents share in common.

My friend and colleague Bobby Chesney, author of the foreword to last year’s issue, often recounts the tragicomic story of his experience on the entry-level academic job market in the fall of 2000, when it was difficult to convince law school faculties that “National Security Law” was a relevant topic of either academic study or classroom teaching. Of course, we should all be so lucky as to again see a time when ours is a topic without real-world significance. For me, though, September 11 was the second day of law school. Like all who have followed and will follow, mine continues to be a legal education taking place against the backdrop of exceptional stress to our constitutional system, and, depending

---

<sup>†</sup> Associate Professor, American University Washington College of Law.  
1. Robert Chesney, *Foreword*, 33 WM. MITCHELL L. REV. 1589 (2007).

on one's perspective, unprecedented threats to the rule of law, whether from within or without.

It would, therefore, be beyond naïve to suggest that these events have not thoroughly colored our approach to contemporary questions of national security law and policy, whether in one direction or another. And although one needn't look far to find that public discourse on questions of national security law and policy is laced with overblown hyperbole, the gravity of the situation does not ameliorate the need for true, honest, academic debate. If anything, the need is exacerbated.

I do not imagine that any of us would deign to suggest that we have all of the answers (our responses to the contrary notwithstanding). These are trying issues, and there is perhaps no more important thing to know than that we do not know everything. Instead, what matters more is that these are the right questions. As such, endeavoring to ensure that they are fully and thoughtfully debated is at least as important as the answers themselves, and is an example once again set by the *JNSF* to which we all should aspire.