

National Security, Individual Liberty, and You

Few legal issues are as important today as how to navigate the sometimes-conflicting imperatives of personal liberty and national security. A conference in June at Eckstein Hall brought together leading figures in dealing with this challenge. The conference was sponsored by Marquette Law School, the Milwaukee Lawyer Chapter of the American Constitution Society, and the Milwaukee Lawyers Chapter of the Federalist Society, and it received support from the Law School's Lubar Fund for Public Policy Research.

A recording of the conference is available online at the Law School's website. Here are a few of the provocative thoughts presented.



"Our democracy depends on the proper flow of information between the government and the citizenry. Information about the government's activities generally should be available to the people so they can engage in informed and effective self-governance. Conversely, personal information about law-abiding citizens generally should be off-limits to the government. In the last 15 years, these principles have been stood on their head, as the government claims the right to withhold more and more information about its own conduct while aiming to obtain more and more information about our personal lives."

— Faiza Patel, codirector of the Liberty and National Security Program of the Brennan Center for Justice at New York University School of Law

"Never has the government had more access to information about every single one of us than now. . . . Most of you are probably carrying very sophisticated tracking devices in your pockets or purses right now, devices that allow extraordinarily invasive searches to be conducted, subject in most cases to appropriate legal authorization. Far from being 'dark' [keeping government unable to find out what people are doing], intelligence surveillance now has never been brighter."

— Alex Abdo, staff attorney with the American Civil Liberties Union's Speech, Privacy, and Technology Project

"It's not just the golden age of surveillance [as Abdo described it]; it's the golden age of terrorism."

— Stewart A. Baker, former first assistant secretary for policy of the Department of Homeland Security, now in private practice in Washington, D.C., arguing for allowing the government to be able to break encrypted material

▶ **“Absolutely.”**

— Janan Najeeb, president of the Milwaukee Muslim Women’s Coalition, when asked if she felt her individual liberties have been affected by security concerns

▶ **“A year later, I’m very pleased by how this law works in practice.”**

— U.S. Rep. James Sensenbrenner (R-Wis.), who played a central role in passing the USA Freedom Act in 2015, which trimmed the latitude of the federal government to collect bulk data about Americans



“According to what you’ve just heard [from Patel], the National Security Agency greeted 9/11 by instituting a program in which it ruffles information belonging to Americans, having absolutely no effect at all on terrorism, doing nothing to fight terrorism, simply satisfying promiscuous curiosity or promoting some other impermissible but secret government purpose that has affected the lives of all of us, but none of us can point to a particular way in which it has affected us. That frankly strikes me as utter nonsense. The fact is, we are engaged in a war with a death cult.”

— Michael B. Mukasey, U.S. attorney general from 2007 to 2009, now in private practice in New York City

▶ **Patel and Mukasey, discussing whether Edward Snowden, who leaked vast amounts of NSA secrets, should be regarded as a whistle-blower or someone who betrayed U.S. security:**

Patel: “I doubt he’s very comfortable in Russia.”

Mukasey: “Good.”

▶ **“Courts are struggling hard to try to figure out what that reasonable expectation of privacy is in a world where we’re no longer talking about the four walls of my house or the inside of my car.”**

— U.S. District Judge Pamela Pepper of the Eastern District of Wisconsin, discussing law enforcement surveillance of people’s smart phones and social media

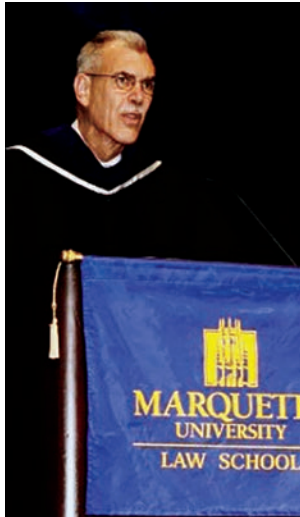
▶ **“Our bidding laws pretty much guarantee we’ll be at a permanent disadvantage against sophisticated cyber adversaries, all right? Forget about it. We’ve lost that arms race.”**

— Milwaukee Police Chief Edward Flynn

▶ **“We have accomplished something that is very much our essential purpose. . . . I know a very good deal more about the government programs, the regulatory oversight, the distinction between federal and local capabilities, the extent of judicial involvement, the possible future of the government programs, the particular concerns of one minority community, and the emerging conflict between law enforcement and private commercial interests. That’s a lot, and that’s not the extent of it.”**

— Marquette Law School Dean Joseph D. Kearney, concluding the conference

Solicitor General Tells Graduates to Show Character in the Little Things They Do



As the speaker at the May 2016 Hooding Ceremony for graduates of Marquette Law School, Donald B. Verrilli, Jr., said that he was not going to talk about pursuing big dreams.

Verrilli, who was solicitor general of the United States, told the graduates at the Milwaukee Theatre, “Find your passion, reach for the stars—you’re already doing that.”

Instead, he said, he wanted to talk about little things, the day-in, day-out things they would do as lawyers. Those little things will add up to showing whether the graduates will be genuine advocates of the rule of law and the pursuit of justice.

“As far as I’m concerned, the question of character has everything to do with your success in this profession,” said Verrilli to the 180 graduating students.

Character will show up in whether they give of themselves to others or whether they act selfishly. Whether

they cut corners or do things right in the fullest manner. Whether they assume the worst about others without grounds for that. Whether they are candid about the law and the facts in court.

“Integrity is what really matters,” Verrilli said. If they act with integrity, they will be the lawyers other lawyers want to be and the ones clients seek out, Verrilli told the graduates. They will be the ones who are there for others in hard times. They will be leaders of their communities.

Realizing the big dreams and achieving the big successes follow from doing little things right and well, Verrilli said. The graduates’ legal education at Marquette Law School has given them the opportunity to pursue paths that will “make this a more perfect union.”

Verrilli earned a reputation for excellence as a lawyer, both in private practice and in his years as solicitor general, Marquette Law School Dean Joseph D. Kearney said in introducing Verrilli at the hooding ceremony.

As solicitor general, Verrilli was the principal lawyer representing the federal government before the Supreme Court of the United States. His unusually long service in that position began in 2011 and lasted five years, until he stepped down in June 2016. ■

Anderson Named Director of National Sports Law Institute

“My focus is 100 percent on working for the students.” Paul Anderson means it when he says that. Just ask anyone who has been involved with the sports law program at Marquette Law School or with the National Sports Law Institute, based at the Law School. In the 21 years since Anderson himself graduated from the Law School, he has been at the heart of the program.

In recognition of that and to advance the program, Anderson has been named director of the National Sports Law Institute and the sports law program. Matt Mitten, who was director, now is executive director of

the institute, and he continues as a professor of law.

Anderson said his focus has increased in recent years on creating opportunities for students, both while they are in law school (outside internships being one important example) and after graduation. He also leads the work on more than two dozen sports-law-related conferences and events each year at Marquette Law School. ■



Alexis Leineweber: Using Every Minute to Pursue Her Goals

At the end of a typical day, Alexis Leineweber counts up how many minutes she has not used productively that day. She typically finds the answer she's hoping for: Very few.

At 7 a.m., Leineweber, now in her second year of law school, is one of the people waiting outside for the doors of Eckstein Hall to open. She focuses intently between then and 5 p.m. on being a law student. That includes long stretches in the Aitken Reading Room.

At 5 p.m., she leaves Eckstein Hall and switches into a second role: Leineweber owns and runs a furniture upholstery and design business. She works with a roster of interior designers, specializing in reupholstering old furniture and making “soft furnishings,” including draperies, pillows, and poufs (they're like big pillows). She usually has work lined up for the next six months.

At 8 p.m., she takes a dinner break. Then it's back to upholstery. Then sleep—and, at 7 a.m. the next day, she's at the Law School door.

“It's not an accident that I'll end up as an attorney,” Leineweber says. She grew up in Richland Center in western Wisconsin. Her father is an attorney and entrepreneur, and he served as a circuit judge for 14 years. After high school, Leineweber attended and graduated from the University of Wisconsin–Milwaukee. She taught in France for a year, returned to Milwaukee,



and worked in banking-related jobs for five years.

Her mother is an artist who allowed Leineweber as a teen to redo her bedroom each year. That built her interest in interior design. While working in banking, she took courses on upholstery and worked as an apprentice. Then she opened her own business. “Nobody does it anymore,” she says. “Pretty much everyone is short of upholsterers.”

But her long-term focus is now on the law. Leineweber loves law school—it requires good time management, dedication, diligence, and the ability to stay calm under pressure, all strengths of hers, and it calls for the kind of creativity in thinking that she values. Her goal is to work with businesses—helping others meet the kind of goals she has set for herself. ■