

Call for Participation in a Discussion Group on
FOREIGN INTERFERENCE IN ELECTIONS

Abstracts due: August 25, 2017

The Annual Meeting Program Committee for 2016 introduced a new program format, Discussion Groups, to facilitate scholarly discussion and engagement. Discussion Groups provide a small group of faculty with the opportunity to engage in a sustained conversation about a topic of interest. Discussion Group participants are expected to write and share a short presentation abstract (3 pages) as part of their participation. The Discussion Group sessions, however, will not feature formal presentations. Instead, the abstracts are intended to facilitate a lively and engaging real-time discussion among the participants. Participants in this Discussion Group will consist of a mix of the people identified in the original proposal submitted to the Program Committee along with additional individuals selected on the basis of this call for participation. There will be limited audience seating for those not selected in advance to be discussion participants.

The following is a Call for Participation in a Discussion Group on Foreign Interference in Elections to be held at the AALS Annual Meeting, [Saturday, January 6, 2018, from 10:30 a.m. until 12:15 p.m.](#), in San Diego.

Description

Investigations into Russian interference in the 2016 presidential election seem to dominate the news every night. Many proclaim that this was interference with U.S. sovereignty, the more strident voices calling it an act of war. Yet, foreign interference in other nations' electoral politics is not limited to the 2016 U.S. presidential campaign. Russian interference has occurred and threatens to occur again in various European elections. And, of course, Russia is not the only country that attempts to influence other nations' elections. In fact, the United States has engaged over the years in overt and sometimes covert activities to influence elections in other countries. This discussion group will explore the legal and policy issues raised by such interference from the standpoint of international, domestic and comparative law.

Among the questions we hope to address are:

(1) What is and what should be the international law regarding interference in other nations' elections? Is there any accepted customary international law regarding what are acceptable and what are unacceptable efforts to influence elections outside of one's borders? What players are subject to such norms: national governments or private parties as well? What remedies can nations pursue if they are victims of interference that violates international law?

(2) A comparison of the domestic laws of different nations that attempt to limit the influence of foreign nations and parties.

(3) A broader policy discussion of the legitimacy and illegitimacy of foreign interference. Do the principles underlying freedom of speech extend to efforts by those outside of the nation to influence elections (even if the specific doctrinal protections do not apply)? Is foreign communication part of the marketplace of ideas from which voters in the nation holding the election benefit? Do efforts to block or condemn foreign communication interfere with the legitimate free speech interest of candidates favored by foreign parties? Do efforts by those outside the nation to influence elections, if successful, undermine the democratic legitimacy of the outcome?

Call for Abstracts

The Annual Meeting Program Committee invites faculty and administrators who would like to join this Discussion Group to submit a three-page abstract that addresses [any of these or other relevant questions](#) **by August 25**. Current organizers and confirmed discussion participants include:

Organizers:

Franklin A. Gevurtz, University of the Pacific, McGeorge School of Law

Jarrold Wong, University of the Pacific, McGeorge School of Law

Participants:

Richard Albert, Boston College Law School;

Sahar Aziz, Texas A&M School of Law;

Christopher J. Borgen, St. John's University School of Law;

Erwin Chemerinsky, University of California, Berkeley, School of Law;

Thomas H. Lee, Fordham University School of Law;

Eugene Mazo, Rutgers Law School;

Naomi Roht-Arriaza, University of California, Hastings College of Law,

Space in this Discussion Group is limited; the Committee, along with the faculty who proposed this discussion, will select the remaining discussion participants from the abstracts submitted. At the AALS Annual Meeting in January, selected participants will make a one-two minute presentation during the Discussion Group. The remaining time will be devoted to a moderated, roundtable group discussion. The organizers of this Discussion Group are planning a follow-up symposium in the Spring of 2018 in order to allow interested participants from this Discussion Group and others to engage in a more extended discussion of the issues raised and to provide an outlet for the presentation and publication of scholarly papers addressing these topics.

Each submission for this Discussion Group should include:

- The title of the submitted presentation/paper;
- The name, school and email of the applying participant;
- A three-page, double-spaced abstract that addresses [issues relevant to this Discussion Group](#); and
- The curriculum vitae of the applying participant.

In reviewing the submitted abstracts, the discussion group organizer and selection committee will consider the following:

- The fit and overall quality of the abstract for the Discussion Group; and
- The diversity that the applying participant may bring in terms of a variety of factors including viewpoint diversity, institutional affiliation and status (tenure-track, non-tenure track, tenured).

Abstracts are due by **August 25, 2017** and should be submitted using the [online submission form](#).