Jonathan Hafetz
Associate Professor of Law
Seton Hall University School of Law
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EMPLOYMENT

Seton Hall University School of Law, Newark, NJ
Associate Professor of Law (2010-present)

American Civil Liberties Union, New York, NY
Senior Staff Attorney (2008-2010)

Brennan Center for Justice at NYU School of Law, New York, NY
Litigation Director, Liberty & National Security Project (2006-2008); *Associate Counsel* (2005-2006)

Gibbons, P.C. New York, NY
John J. Gibbons Fellowship in Public Interest and Constitutional Law (2003-2005)

American Civil Liberties Union, Immigrants' Rights Project, New York, NY
Contract Attorney (Apr.-Sept. 2003)

The Partnership for the Homeless, New York, NY
Staff Attorney (2001-2003)

CLERKSHIPS

Judge Sandra L. Lynch, U.S. Court of Appeals for the First Circuit, Boston, MA
Law Clerk (2000-2001)

Judge Jed S. Rakoff, U.S. District Court for the Southern District of New York, New York, NY
Law Clerk (1999-2000)

EDUCATION

Yale Law School, J.D., 1999

- *Yale Law Journal*, Senior Editor
- *Yale Law & Policy Review*, Articles Editor
- Research Assistant to Professor Owen M. Fiss
- Michael Egger Prize: Awarded for best student note in the *Yale Law Journal*
- Frances Wayland Prize: Awarded for outstanding advocacy in a law school clinic

Oxford University, M. Phil. (Modern History), 1992

- Highest Honors

Amherst College, B.A. (English), 1990

- Phi Beta Kappa
- Magna Cum Laude
- John Woodruff Simpson Fellowship: Awarded to study history at Oxford University

POST-GRADUATE FELLOWSHIPS

Fulbright Scholarship. Awarded to study Mexico's national social welfare program (1995-1996)

RESEARCH INTERESTS

Constitutional Law	International Human Rights
Civil Procedure	Criminal Law and Criminal Procedure
Federal Courts	Immigration Law

PUBLICATIONS

Books

Habeas Corpus after 9/11: Confronting America's New Global Detention System (forthcoming 2011, NYU Press)

The Guantanamo Lawyers: Inside a Prison, Outside the Law (co-edited with Mark Denbeaux and contributed) (NYU Press 2009)

Law Review Articles

"Vindicating the Rule of Law: *Hamdan v. Rumsfeld*," 31 *Fletcher F. World Aff.* 25 (2007)

Constitutional Implications of the War on Terror: "Judicial Review and the Regulation of Custodial Interrogations," 62 *N.Y.U. Annual Survey of American Law* 443 (2006)

"Habeas Corpus, Judicial Review, and Limits on Secrecy in Detentions at Guantánamo," 5 *Cardozo Law, Public Pol'y & Ethics J.* 127 (2006)

"The Supreme Court's 'Enemy Combatant' Decisions: Recognizing the Rights of Non-Citizens and the Rule of Law," 14 *Temple Pol. & Civ. Rights L. Rev.* 409 (2005)

"The First Amendment and the Right of Access to Deportation Proceedings," 40 *California Western L. Rev.* 265 (2004)

"Pretrial Detention, Human Rights, and Judicial Reform in Latin America," 26 *Fordham Int'l L. J.* 1754 (2003)

"Homeless Legal Advocacy: New Challenges and Directions for the Future," 30 *Fordham Urban L.J.* 1215 (2003)

"'A Man's Home is His Castle'": Reflections on the Home, Family, and Privacy During the Late Nineteenth and Early Twentieth Centuries," 8 *William & Mary J. of Women and the Law* 175 (2002)

"Fostering Protection of the Marine Environment and Economic Development: Article 121(3) of the Third Law of the Sea Convention," 15 *Am. Univ. Int'l L. Rev.* 583 (2000)

"The Untold Story of NonCriminal Habeas Corpus and the 1996 Immigration Acts," 107 *Yale L.J.* 2509 (1998) (cited by U.S. Supreme Court, *INS v. St. Cyr*, 533 U.S. 289 (2001))

"The Rule of Egregiousness: *INS v. Lopez-Medoza* Reconsidered," 19 *Whittier L. Rev.* 843 (1998)

Other Publications

Articles, reviews, and op-eds have appeared in *The Nation*, *The American Prospect*, *Los Angeles Times*, *Baltimore Sun*, *Huffington Post*, *Balkinization*, *National Law Journal*, *New York Law Journal*, and *Legal Affairs*

SELECTED CASES

- Lead counsel in *Al-Marri v. Spagone*, 129 S. Ct. 1545 (2009), a habeas corpus challenge to the indefinite military detention of a resident alien; the petitioner was indicted and transferred to civilian custody following the Supreme Court's grant of certiorari and after submission of petitioner's opening merits brief
- Lead counsel in briefing and presented oral argument in *Al-Marri v. Wright*, 487 F.3d 116 (4th Cir. 2007), and *Al-Marri v. Pucciarelli*, 534 F.3d 213 (4th Cir. 2008) (en banc)
- Co-counsel in *Munaf v. Geren*, 128 S. Ct. 2207 (2008), a habeas corpus challenge to the detention of two American citizens in Iraq; the Supreme Court found jurisdiction, but rejected the challenge on the merits
- Lead counsel in *Jawad v. Obama*, a habeas corpus action resulting in the court-ordered release of a juvenile unlawfully imprisoned at Guantánamo
- Co-counsel in *Slahi v. Obama*, a habeas corpus action challenging the detention of a Guantanamo detainee
- Co-counsel in *Meshal v. Higgenbotham*, a *Bivens* action challenging the rendition and proxy detention of a U.S. citizen in East Africa
- Briefed and argued asylum and prisoners' rights cases in U.S. Court of Appeals for the Second Circuit
- Authored or co-authored more than twenty *amicus* briefs in U.S. Supreme Court and federal appeals courts

SELECTED ACADEMIC AND PROFESSIONAL PRESENTATIONS

Brown University, Lecture, "The Future of U.S. Detention Policy" (Apr. 19, 2010)

Chicago-Kent College of Lawyer, "The Guantánamo Lawyers" (Mar. 31, 2010)

Wayne State University Law School, "Ending Guantánamo" (Mar. 9, 2010)

Suffolk University Law School, "The Guantánamo Lawyers" (Feb. 23, 2010)

ABA Standing Committee on Law and National Security, Nineteenth Annual Review of the Field of National Security Law, Washington, D.C. (Nov. 13, 2009)

Washington University School of Law, "Guantanamo: Past and Future," (Oct. 20, 2009)

Harvard Law School, Program on Humanitarian Law and Conflict Research, International Humanitarian Law and Counter-Terrorism (Oct. 1, 2009)

American Constitution Society, National Conference: "Justice for Detainees Revisited: A Progress Report" (June 20, 2009)

Federalist Society, "Counterterrorism and the Obama Administration" (May 28, 2009)

Duke Law School, Conference: "National Security Law under a New Administration; Detaining and Prosecuting Terrorism Suspects" (Apr. 17, 2009)

Chapman Law School, Symposium, "Lincoln's Constitutionalism in Time of War: Lessons for the Current 'War on Terror,'" (Jan. 30, 2009)

Duke Law School, "The Supreme Court's Enemy Combatant Decisions" (Oct. 1, 2008)

University of Texas School of Law, The Review of Litigation Symposium: "Terror on Trial: Civil Litigation and the War on Terror" (Mar. 28, 2008)

Roger Williams University School of Law, "Legal Dilemmas in a Dangerous World: Law, Terrorism, and National Security" (Nov. 9. 2007)

Federalist Society, NYC Chapter, "The Recent Terrorism Cases" (July 9, 2007)

University of Texas School of Law, Texas Int'l Law Journal Symposium, "The Military Commissions Act of 2006" (Apr. 11, 2007)

City University of New York Law School, "Guantánamo Bay: The Global Effects of Wrongful Detention, Torture, and Unchecked Executive Power" (Mar. 23, 2007)

Yale Law School Alumnae Association "Should Alleged Terrorists Have Access to U.S. Courts" (Mar. 6, 2007)

New York University School of Law, Annual Survey of American Law's Symposium on the Constitutional Implications of the War on Terror (Feb. 3, 2006)

Temple University, Beasley School of Law, Temple Political and Civil Rights Law Review Symposium: "Balancing Liberty and Security in the New Century" (Oct. 15, 2004)

OTHER EXPERIENCE

Hofstra Law School, Hempstead, NY
Adjunct Professor (2004-2007)
Taught National Security Seminar

Brooklyn Law School, Brooklyn, NY
Adjunct Professor (2003-2004)
Taught Immigration Law

Saint Ann's School, Brooklyn, NY
History Teacher (1993-1995)

River Oaks School, Monroe, LA
History Teacher (1992-1993)

BAR ADMISSIONS

New York State and federal courts, including the U.S. Supreme Court, numerous courts of appeals, and the district courts for the Southern and Eastern Districts of New York