

Jonathan Hafetz
Seton Hall University School of Law
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ACADEMIC APPOINTMENTS

Seton Hall University School of Law, Newark, NJ
Professor of Law (2016-present) (Full Tenure Awarded in 2016)
Associate Professor of Law (2010-2016)
Courses: Constitutional Law; Civil Procedure; National Security Law; International Criminal Law; Introduction to Lawyering; Co-Lead Human Rights Programs in Guatemala and Haiti
Service: Contract Renewal Committee Disadvantaged Applicant Screening Committee; Graduation Committee; Curriculum Committee; Admissions Committee; Public Interest Fellowship Committee

Rikkyo University, College of Law and Politics, Tokyo, Japan (Sept. 2021-July 2022)
Fulbright Scholar & Visiting Professor

Princeton University, Princeton, NJ
Visiting Associate Research Scholar, Law and Public Affairs Program (2014-15)

LEGAL EXPERIENCE

American Civil Liberties Union, New York, NY
Senior Staff Attorney, Center for Democracy (July 2017-July 2020) (on leave from Seton Hall)
Senior Staff Attorney, National Security Project (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

FELLOWSHIPS

Fulbright Scholar: Awarded grant to research comparative constitutional law and lecture at Rikkyo University in Tokyo, Japan (Sept. 2021-July 2022)

Fulbright Scholar: Awarded grant to research Mexico's national social welfare program (1995-1996)

PUBLICATIONS

BOOKS

PUNISHING ATROCITIES THROUGH A FAIR TRIAL: INTERNATIONAL CRIMINAL LAW FROM NUREMBERG TO THE AGE OF GLOBAL TERRORISM (Cambridge University Press 2018)

HABEAS CORPUS AFTER 9/11: CONFRONTING AMERICA'S NEW GLOBAL DETENTION SYSTEM (NYU Press 2011) (ABA 2012 Silver Gavel Award for the Media and Arts, Honorable Mention; American Society of Legal Writers, 2012 Scribes Silver Medal Award)

OBAMA'S GUANTANAMO: STORIES FROM AN ENDURING PRISON (editor) (NYU Press 2016).

THE GUANTANAMO LAWYERS: INSIDE A PRISON, OUTSIDE THE LAW (co-edited with Mark Denbeaux and contributed) (NYU Press 2009)

BOOK CHAPTERS

Human Rights and Priorities in Medical Research Ethics in Light of the COVID-19 Pandemic (in progress) (accepted for 2022 International Academy of Law and Mental Health conference)

Ex parte Milligan and the War on Terrorism: Testing the Constitutional Bedrock of a Civilian Criminal Trial, in *EX PARTE MILLIGAN RECONSIDERED: RACE AND CIVIL LIBERTIES FROM THE LINCOLN ADMINISTRATION TO THE WAR ON TERROR* (S. Winger & J. White eds.) (U. Kansas Press 2020)

Towards a Quasi-Constitutional Law of Detention in Armed Conflict, in *QUASI-CONSTITUTIONALITY*

AND CONSTITUTIONAL STATUTES (R. Albert & J. Colon-Rios, eds.) (Routledge Press, 2019)

Litigation Across Borders: Enforcing Human Rights in Transnational Counterterrorism Operations, in HUMAN RIGHTS AND AMERICA'S WAR ON TERROR (S. Juss ed.) (Routledge Press, 2018)

The Possibilities and Limitations of Corporations as Protectors of Privacy in the Digital Age, in SURVEILLANCE, PRIVACY, AND TRANS-ATLANTIC RELATIONS (D. Cole, F. Fabbrini & S. Schulhofer eds.) (Hart Publishing, 2017)

Detention at Sea: The Persistence of Territorial Constraints on Constitutional Rights, in CONSTITUTIONALISM ACROSS BORDERS IN THE STRUGGLE AGAINST TERRORISM (F. Fabbrini & V. Jackson, eds.) (Elgar, 2016)

Legal Perspectives on the U.S. War on Terrorism, in OXFORD BIBLIOGRAPHIES IN CRIMINOLOGY (Beth M. Huebner, ed.) (New York: Oxford University Press) (2016).

Secret Detention and the Right to Information, Papers for Global Principles on National Security and the Right to Information (2014) ("The Tshwane Principles"), available at <http://www.right2info.org/exceptions-to-access/national-security/global-principles#section-5>

Asylum, Refugees, and the Convention against Torture, in THE ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES, (P. Finkelman ed.) (Routledge Press, 2006)

Vagrancy Laws, in POVERTY IN THE UNITED STATES: AN ENCYCLOPEDIA OF HISTORY, POLITICS, AND POLICY (G. Mink & A. O'Connor eds., 2004)

LAW REVIEW ARTICLES

The Suspension Clause after Department of Homeland Security v. Thuraissigiam (in progress)

Fairness and Legitimacy: The Selectivity Challenge in International Criminal Law, 50 VAND. J. TRANSNAT'L L. 1133 (2017)

A Rocky (and Worrying) Start: The Trump Administration's Use of Military Force, President Trump's First 100 Days: A Symposium, 2017 U. ILL. L. REV. ONLINE 100, Apr. 29, 2017, <https://illinoislawreview.org/symposium/first-100-days/a-rocky-and-worrying-start/>

A Problem of Standards?: Another Perspective on Secret Law, 57 WM. & MARY L. REV. 2141 (2016), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2725976

Terrorism as an International Crime?: Mediating between Justice and Legality, PROCEEDINGS OF THE ONE HUNDRED NINTH ANNUAL MEETING OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW (2017)

China and the International Criminal Court: Power and Justice Revisited, 32 CHINESE (TAIWAN) YEARBOOK INT'L LAW & AFFAIRS 32 (2016) (peer reviewed)

Resisting Accountability: Transitional Justice in the Post-9/11 United States, 19 INT'L J. HUMAN RTS. 429 (2015) (peer reviewed), <http://www.tandfonline.com/doi/full/10.1080/13642987.2015.1027062#.VbwICSiAfts>

Policing the Line: International Law, Article III, and the Scope of Military Jurisdiction, 2014 WISC. L.

REV. 681, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2507999 (Kevin J. Barry Award for Excellence in Military Legal Studies, Honorable Mention, from National Institute of Military Justice)

Detention without End?: Reconsidering the Indefinite Confinement of Terrorism Suspects through the Lens of Criminal Sentencing, 61 U.C.L.A. L. REV. 326 (2014) (selected for UCLA Law Review's 2013-14 Scholar Forum), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2277699

Diminishing the Value of War Crimes Prosecutions: An International Criminal Law Perspective on the Guantanamo Military Commissions, CAMBRIDGE J. INT'L & COMPARATIVE L. (2)4: 800-24 (2013) (peer reviewed), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2405704

Human Rights Litigation and the National Interest: Kiobel's Application of the Presumption against Extraterritoriality to the Alien Tort Statute" 28 MARYLAND J. INT'L L. 107 (2013) (invited symposium), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2313189

Military Detention in the 'War on Terrorism': Normalizing the Exceptional after 9/11, 112 COLUMBIA L. REV. SIDEBAR 31 (2012) (invited), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2025057

Reconceptualizing Federal Courts in an Age of Terrorism, 56 ST. LOUIS L. REV. 1055 (2012) (invited symposium), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2141035

National Security and the Recalibration of State Power and Individual Rights, 46 VALPARAISO UNIV. L. REV. 843 (2012) (invited essay), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2106186

Calling the Government to Account: Habeas Corpus after Boumediene, 57 WAYNE L. REV. 91 (2011) (invited symposium), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1972542

Vindicating the Rule of Law: Hamdan v. Rumsfeld, 31 FLETCHER F. WORLD AFF. 25 (2007)

Judicial Review and the Regulation of Custodial Interrogations, 62 N.Y.U. ANNUAL SURVEY AM. L. 443 (2006)

Habeas Corpus, Judicial Review, and Limits on Secrecy in Detentions at Guantanamo, 5 CARDOZO L. 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 TEMP. POL. & CIV. RTS. L. REV. 409 (2005)

The First Amendment and the Right of Access to Deportation Proceedings, 40 CAL. 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 WM. & MARY J. WOMEN & L. 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 in *INS v. St. Cyr*, 533 U.S. 289 (2001))

The Rule of Egregiousness: INS v. Lopez-Mendoza Reconsidered, 19 WHITTIER L. REV. 843 (1998)

OTHER PUBLICATIONS

Articles, book reviews, and op-eds have appeared in *New York Times*, *Boston Review*, *The Nation*, *Los Angeles Times*, *Baltimore Sun*, *Politico Magazine*, *The Guardian*, *ABA Insights*, *ABA Supreme Court Review*, *The American Prospect*, *Slate*, *The Hill*, *National Law Journal*, *Jurist*, *Huffington Post*, *World Politics Review*, *Reason New York Law Journal*, *Legal Affairs*, *Opening Argument*, and *Al-Jazeera*

BLOGGING

Balkanization (regular contributor); *Just Security* (guest contributor); *Opinio Juris* (guest contributor); *Concurring Opinions* (guest contributor).

EXTERNAL PEER REVIEWS

Conducted peer reviews for *Cambridge University Press*, *Oxford University Press*, *NYU Press*, *International Journal of Transitional Justice*, *Yearbook of International Humanitarian Law*, and *Law, Culture, and the Humanities Journal*.

SELECTED MEDIA APPEARANCES

NPR (*All Things Considered*, *Morning Edition*), *Rachel Maddow Show*, *CBS Evening News*, *NBC Evening News*, *CNN*, *BBC News*, *New York Times*, *Washington Post*, *LA Times*, *Newsweek*, *Time*, *New Yorker*, *USA Today*, *WNYC* (*The Takeaway*), *Democracy Now*, *CBC News*, *Bloomberg TV*, *Fox News*, *Public Radio International* (*The World*), *Reason*, and *Court TV*

SELECTED CASES AND BRIEFS

COUNSEL

- *Al-Marri v. Spagone*, 129 S. Ct. 1545 (2009) (lead counsel in habeas corpus challenge to indefinite military detention of a resident alien; petitioner indicted and transferred to civilian custody following the Supreme Court's grant of certiorari)
- *Doe v. Mattis*, 889 F.3d 745 (D.C. Cir. 2018) (lead counsel and presented multiple oral arguments in habeas corpus challenge to unlawful detention and rendition of a U.S. citizen held in Iraq)
- *Al-Marri v. Wright*, 487 F.3d 116 (4th Cir. 2007); *Al-Marri v. Pucciarelli*, 534 F.3d 213 (4th Cir. 2008) (en banc) (lead counsel in briefing and presented oral argument)
- *Munaf v. Geren*, 128 S. Ct. 2207 (2008) (habeas corpus challenge to the detention of two U.S. citizens in Iraq; Supreme Court found jurisdiction, but rejected the claims on the merits)
- *Hassoun v. Searls*, 469 F. Supp. 3d 69 (W.D.N.Y. 2020) (co-lead counsel and presented oral argument in habeas corpus challenge to indefinite detention under the USA PATRIOT Act)
- *Weir v. United States*, 2021WL 148392 (D.D.C. 2021) (briefed and argued challenge in civil action on behalf of Jamaican nationals detained in abhorrent conditions on a Coast Guard vessel)
- *Jawad v. Obama*, 2009 WL 2365846 (D.D.C. 2009) (briefed and argued motions in a habeas action resulting in court-ordered release of juvenile unlawfully imprisoned at Guantánamo)
- *Meshal v. Higgenbotham*, 804 F.3d 417 (D.C. Cir. 2015) (briefed and presented argument in civil lawsuit seeking a remedy for rendition and detention of a U.S. citizen in East Africa by the FBI)

- *Slahi v. Obama*, 625 F.3d 745 (D.C. Cir. 2010) (prepared briefs in habeas corpus action challenging the detention of a Guantanamo detainee)
- *Ekuje v. INS*, 2005 WL 2327237 (2d Cir. 2005) (appointed by U.S. Court of Appeals for Second Circuit to prepare briefs and present arguments in asylum case)
- *Colon v. Goord*, 2004 WL 2367962 (2d Cir. 2004) (appointed by U.S. Court of Appeals for Second Circuit to prepare briefs and present arguments in prisoners' rights case)

AMICUS

- Brief *Amici Curiae* of International Law Scholars, *Hawaii v. Trump* (9th Cir 2017) (supporting challenge to President Trump's travel ban based on international human rights law)
- Brief *Amici Curiae* of International Law Scholars, *International Refugee Assistance Project v. Trump* (4th Cir 2017) (supporting challenge to President Trump's travel ban based on international human rights law)
- Brief *Amici Curiae* of Karen Korematsu et al., *United States v. Bahlul* (U.S. Sup. Ct. 2017) (supporting petition for certiorari in a constitutional challenge to the Guantanamo military commissions based on equal protection)
- Brief *Amici Curiae* of Scholars of Habeas Corpus and the Constitution, *Castro v. DHS* (U.S. Sup. Ct. 2017) (supporting availability of habeas corpus for all persons in the U.S.)
- Brief *Amici Curiae* of Professors of International Human Rights Law, *International Refugee Assistance Project v. Trump*, U.S. Court of Appeals for the Fourth Circuit, Apr. 17, 2017 (supporting challenge to travel ban)
- Brief *Amici Curiae* of Professors of International Human Rights Law, *Hawaii v. Trump*, U.S. Court of Appeals for the Ninth Circuit, Apr. 17, 2017 (supporting challenge to travel ban)
- Brief *Amici Curiae* of International Law Scholars and Nongovernment Organizations, *Darweesh v. Trump*, U.S. District Court for the E.D.N.Y. (Feb. 16, 2017) (supporting challenge to Trump administration travel ban on refugees and other noncitizens)
- Brief *Amici Curiae* of the ACLU and Civil Rights Organizations, *Ziglar v. Abassi* (U.S. Sup. Ct. 2016) (supporting accountability of executive officials for constitutional violations)
- Brief *Amici Curiae* of Civil Rights Organizations, *Bahlul v. United States*, (D.C. Cir. 2014) (supporting equal protection challenge to Guantanamo military commissions)
- Brief *Amici Curiae* of New York City Bar Association, *ACLU v. Clapper* (2d Cir. 2014) (supporting Fourth Amendment challenge to NSA bulk metadata collection program).
- Brief *Amici Curiae* of Retired Military Officers, *Al-Shimari v. CACI, Inc.*, No. 13-1937 (4th Cir.) (supporting jurisdiction to hear Alien Tort Statute claims for torture by private contractors)
- Brief *Amici Curiae* of Former Church Committee Members and Staff, *Amnesty v. Clapper*, 132 Sup. Ct. 2431 (2013) (supporting standing to challenge counter-terrorism electronic surveillance)
- Brief *Amici Curiae* of Former Federal Judges Supporting Certiorari, *Latif v. Obama*, No. 10-539 (Sup. Ct.) (challenging limitations on judicial review of government evidence in Guantanamo habeas cases)
- Brief *Amici Curiae* of Legal Historians, *Boumediene v. Bush*, 553 U.S. 723 (2008) (presenting the historical basis for the exercise of habeas corpus jurisdiction over Guantanamo detainee cases)
- Brief *Amici Curiae* of American Civil Liberties Union, *Kiyemba v. Obama*, 130 S. Ct. 1235 (2010) (district judges have the authority to order the release of prisoners who are unlawfully detained)
- Brief *Amici Curiae* of Brennan Center for Justice et al., *Hamdan v. Rumsfeld*, 548 U.S. 557 (2006) (presidentially created military commissions lack statutory authorization)
- Brief *Amici Curiae* of Legal Historians, *Rasul v. Bush*, 542 U.S. 466 (2004) (presenting the historical basis for the exercise of habeas corpus jurisdiction over Guantanamo detainee cases)
- Brief *Amici Curiae* of Criminal Law Scholars, *Padilla v. Rumsfeld*, 542 U.S. 426 (2004) (indefinite detention of U.S. citizen as an enemy combatant violates the Constitution)
- Brief *Amici Curiae* of Nat'l Lesbian & Gay Law Ass'n, *FAIR v. Rumsfeld*, 547 U.S. 47 (2006) (bar on federal funding to law schools' for protesting discrimination by military violates First Amendment)
- Brief *Amicus Curiae* of the American Bar Association, *Clark v. Martinez*, 543 U.S. 371 (2005) (indefinite detention of non-citizens excluded under immigration law violates the Constitution)
- Brief *Amici Curiae* of International Human Rights Organizations, *Jama v. INS*, 543 U.S. 335 (2005)

- (arguing for broadly construing *non-refoulement* protections under immigration law)
- Brief *Amici Curiae* of Law Enforcement Associations, *Muehler v. Mena*, 544 U.S. 93 (2005) (presenting policy arguments in favor of federal, not local, enforcement of immigration laws)
- Brief *Amici Curiae*, Asian American Legal Defense & Education Fund et al, *Hamdan v. Rumsfeld*, No. 11-1257 (D.C. Cir.) (military commissions violate equal protection by trying only non-citizens)
- Brief *Amici Curiae* of Retired Federal Judges, *Arar v. Ashcroft*, 585 F.3d 559 (2d Cir. 2009) (victim of extraordinary rendition and torture must have a civil remedy in federal court)
- Brief *Amici Curiae* of British and American Habeas Scholars, *Boumediene v. Bush*, 476 F.3d 981 (D.C. Cir. 2007) (presenting historical basis for habeas corpus jurisdiction over Guantanamo detainee cases)
- Brief *Amici Curiae* of NAACP et al., *ACLU v. National Security Agency*, 493 F.3d 644 (6th Cir. 2007) (describing historical record of abuses committed as a result of warrantless surveillance)
- Brief *Amici Curiae* of Council on Foundations et al., *Brooklyn Legal Servs. Corp. B. v. Legal Servs. Corp.*, 462 F.3d 219 (2d. Cir. 2006) (arguing for First Amendment rights of charitable organizations)
- Brief *Amici Curiae* of Former Federal Judges, *Qassim v. Bush*, 466 F.3d 1073 (D.C. Cir. 2006) (habeas corpus jurisdiction includes the authority of district judges to order a prisoner’s release)
- Brief *Amicus Curiae* of Louis Fisher, *Hamdan v. Rumsfeld*, 415 F.3d 33 (D.C. Cir. 2005) (presenting historical argument against presidentially created military commissions at Guantanamo)
- Brief *Amicus Curiae* of American Civil Liberties Union, *Padilla v. Rumsfeld*, 352 F.3d 695 (2d Cir. 2003) (U.S. citizen detained as an enemy combatant must be afforded constitutional protections)
- Brief *Amici Curiae* of Brennan Center for Justice et al., *Lee v. Ashcroft*, 142 Fed. Appx. 503 (2d Cir. 2005) (due process guarantees judicial review of citizenship and nationality claims)
- Brief *Amici Curiae* of ACLU, *FAIR v. Rumsfeld*, 390 F.3d 219 (3d Cir. 2004) (law schools have standing to challenge elimination of federal funds for protesting sexual-orientation discrimination by military)
- Brief *Amicus Curiae* of Brennan Center for Justice, *Santiago v. Conn. Dep’t of Soc. Servs.*, No. 04-0172 (2d. Cir.) (attorney’s fee provision of Equal Access to Justice Act should be broadly construed)
- Brief *Amicus Curiae* of NAACP et al., *Muslim Community Ass’n v. Ashcroft*, 459 F. Supp. 2d 592 (E.D. Mich. 2006) (organizations have standing to challenge surveillance that chills First Amendment activity)

SELECTED ACADEMIC AND PROFESSIONAL PRESENTATIONS

“What We Learned from Lafayette Square: A Discussion of the Insurrection and Home Rule Acts,” D.C. Bar, D.C. Public Affairs Program, Washington, D.C. (July 15, 2020) (webinar)

“The COVID-19 Pandemic and International Law,” American Society of International Law and Harris Institute of Washington University in St. Louis, Apr. 28, 2020 (webinar)

“Extraterritorial Application of Constitutional Rights,” Cardozo Law School (Symposium), New York, NY, Nov. 13, 2019

“Punishing Atrocities through a Fair Trial: International Criminal Law from Nuremberg to the Age of Global Terrorism” (Book Talk) Fordham Law School, New York, NY, Mar. 13, 2019

“Punishing Atrocities through a Fair Trial: International Criminal Law from Nuremberg to the Age of Global Terrorism” (Book Talk) Seton Hall Law School, Newark, NJ, Feb. 28, 2019

“Gun Violence and Human Rights: An Interdisciplinary Approach,” Washington University School of Law, St Louis, MO, Nov. 3, 2018

Law and Society Association, “Access to Justice and the Courts in National Security Cases,” Toronto, Canada, June 9, 2018

NYC Bar Association, “Justice in Our Time: Faster and Fairer Solutions to the Military Commissions at Guantánamo Bay,” May 8, 2018

United Nations, Expert Panel, “Use of Battlefield Evidence in Criminal Prosecutions,” Apr. 9, 2018

University of Washington School of Law, “Guantanamo, Lawlessness, and the Myth of American Exceptionalism,” Jan. 11, 2018.

Law and Society Association, “Rights, Citizenship, and the Politics of Exclusion: Denying Constitutional Protections by Redefining Borders,” Mexico City, Mexico, June 22, 2017.

LUISS Guido Carli University, International Association of Constitutional Law, “Rights, Citizens, and the Constitution,” Rome Italy, May 5, 2017.

Temple Law School, International Law Colloquium, “Fairness and Legitimacy: The Selectivity Challenge in International Criminal Law,” Apr. 18, 2017.

Morgan, Lewis & Bockius, Boston, MA, “A Conversation with Guantanamo Lawyers,” Mar. 22, 2017.

Loyola Law School, Los Angeles, Lecture, “On the Border: Where Do Constitutional Rights Begin?” Feb. 20, 2017

Yale University, South Asian Millennials Conference, Panelist, “Unlearning Islamophobia,” Feb. 4, 2017.

Seton Hall Law School, Panelist, “A Conversation about the Legal Implications of President Trump’s Executive Orders on Immigration,” Feb. 2, 2017

SMU Dedman School of Law, Panelist, Am. Society of Int’l Law, Int’l Crim. L. Interest Group Workshop, “Fairness and Legitimacy: The Selectivity Challenge in International Criminal Law,” Dec. 9, 2016

Washington University School of Law, Panelist, Am. Society of Int’l Law Research Forum, “Emerging Issues in Non-International Armed Conflict,” Nov. 11, 2016

Fordham Law School, International Law Weekend, Panelist, “Security, Rights, and Technological Change: Emerging Change in Applying International Law,” Oct. 28, 2016

Seattle University School of Law, Panelist, “Military Commissions under International Law,” Seattle, WA, Oct. 13, 2016

Perkins Coie, Panelist, “Obama’s Guantanamo: Legacy and Implications,” Seattle, WA, Oct. 12, 2016

Stanford Law School, “Towards a Fundamental Law of Armed Conflict Detention,” Palo Alto, CA, Oct. 11, 2016

Northern Illinois University, Keynote Speaker, “Ex Parte Milligan at 150: The Constitution and Military Commissions in American Wars on Terror” Normal, IL, Sept. 23, 2016

NYU King Juan Carlos Center, Moderator, “Obama’s Guantanamo: Stories From an Enduring Prison,” New York, NY, June 22, 2016

One Police Plaza (NYPD Headquarters), NY Lawyers' Committee of the US Holocaust Memorial Museum & New York Police Department, "The Trial of Terrorism Suspects," New York, NY, June 17, 2016

Victoria University of Wellington, New Zealand Centre for Public Law, "Toward A Quasi-Constitutional Law of Detention for Non-International Armed Conflict," Wellington, New Zealand, May 19, 2016

Yale Law School, Discussant, Freedom of Expression Scholars Conference, New Haven, CT, May 1, 2016.

Pace Law School Faculty Colloquium, "Towards a Quasi-Constitutional Law of Procedure for Detention in Armed Conflict," White Plains, NY, Apr. 20, 2016

Princeton University, "Detention and Civil Liberties," Princeton, NJ, Apr. 12, 2016.

International Association of Constitutional Law, "Litigation Across Borders: Human Rights Enforcement in Transnational Counterterrorism Operations," Kings College, London, England, Mar. 12, 2016.

New York City Bar Association, Moderator, "Preventive Prosecutions: Using the Material Support Statute to Prosecute Suspected ISIS Recruits," New York, NY, Oct. 19, 2015

Hague Initiative for Law and Armed Conflict, "Detention in Non-International Armed Conflicts: Towards a Fundamental Law of Procedure," The Hague, Netherlands, Oct. 14, 2015

New York University School of Law, "Rethinking the Basis of Secret Law in National Security," ICON-S Conference on Public Law in an Uncertain World, New York, NY, July 2, 2015

International Law Association, Asia-Pacific Research Forum, "China and International Criminal Law: Power and Justice Revisited," Taipei, Taiwan, May 26, 2015

Princeton University, "Now that We Know: Technology, Law, Journalism, and Policy after Snowden," Panel Moderator, Princeton, NJ, May 2, 2015

Princeton University, "A Problem of Standards?: Another Perspective on Secret Law," Princeton, NJ, Apr. 27, 2015

New York City Bar Association, "A President at War: The Executive's War Powers and Congress's Role in Authorizing Military Operations," Moderator, New York, NY, Apr. 21, 2015

New York City Bar Association, "Prosecuting Torture?: Moving Forward after the Senate Intelligence Committee Report," Moderator, New York, NY, Apr. 16, 2015

American Society of International Law, "Terrorism and Procedural Fairness in International Criminal Law," Washington, D.C., Apr. 9, 2015

Rutgers University, "When the Media Is Silenced: The Dangers of Telling the Truth," New Brunswick, NJ, Mar. 24, 2015

Princeton University, "Law Enforcement Surveillance Technologies: Are There Effective Legal Limits?" Moderator, Mar. 23, 2015

Princeton University, “Judging Acts of Congress: A Conversation with Robert A. Katzmann, Chief Judge of the U.S. Court of Appeals for the Second Circuit,” Mar. 24, 2015

Institut d’Etudes Européennes, Université Libre de Bruxelles, “Corporations, Bulk Data Collection and the Right to Privacy,” Brussels, Belgium, Mar. 13, 2015

American Society for Comparative Law, Works-in-Progress Workshop, Commentator for Katarina Isabel Schmidt, “Unmasking ‘American Legal Exceptionalism’: German Free Lawyers, American Legal Realists, and the Transatlantic Turn to Life”, Princeton University, Princeton, NJ, Mar. 6, 2015

New Israel Fund—Legal Circle, Panelist, “Administrative Detention in Israel and at Guantanamo,” New York, NY, Nov. 19, 2014

Washington University School of Law, Faculty Workshop, “International Law, Article III, and the Scope of Military Jurisdiction,” St. Louis, MO, Nov. 6, 2014

Northampton County Bench-Bar Conference for 2014, “Security and Human Rights: The Looming Challenges,” Galloway, NJ, Oct. 25, 2014

Princeton University, Moderator, “The Japanese Internment during WW II and the Treatment of Muslim Americans in the War on Terror,” Princeton, NJ, Sept. 19, 2014

Clingendael Institute, Closed Expert Group Meeting, “Challenges Raised by the Use of Evidence Collected by the Military in Terrorism-Related Cases Prosecuted before Civilian Jurisdictions,” The Hague, Netherlands, July 10, 2014

Institute for of Advanced Legal Study: National Security & Public Health: Exceptions to Human Rights, “Targeted Drone Strikes and the Future of Int’l Human Rights,” School of Advanced Study, University of London, London, England, May 29, 2014

National Security Law Seventh Annual Workshop, Judge Advocate General’s Legal Center & School, Charlottesville, VA, Roundtable Co-Chair, “The Judiciary During (and after) War,” May 16, 2014.

New York City Bar Association, Panel Moderator, “When War Is Over: The Legal and Policy Implications of Ending America’s Longest Wars,” New York, NY May 7, 2014.

New York State Bar Ass’n, Commercial & Federal Litigation Section Spring Meeting, Panelist “PRISM, Snowden and the NSA— National Security Litigation in the Digital Age,” Lenox, MA, May 3, 2014

National Lawyer Guild, Seton Hall Law Chapter, Panelist, “Targeted Drone Warfare,” Seton Hall Law School, Newark, NJ, Mar. 25, 2014

Harvard Law School, International Association of Constitutional Law: Workshop on Constitutionalism Across Borders in the Struggle against Terrorism, “Detention at Sea: The Persistence of Territorial Constraints on Constitutional Rights,” Mar. 6, 2014

Yale Law School, American Society of International Law: International Law in Domestic Courts Interest Group, “Policing the Line: International Law, Article III, and the Scope of Military Jurisdiction,” Dec. 6, 2013

Yale Law School, National Security Group, “Military Commissions in the Obama Era,” Nov. 7, 2013

NYU School of Law, American Society of International Law Research Forum, Panel Moderator, "International Courts and Tribunals," Nov. 2, 2013

New York City Bar Association, International Law Weekend, Panelist, "Bringing Terrorists to Justice: Legal and Policy Implications When the Military Plays a Role," Oct. 26, 2013

UCLA Law School, Scholar Forum, "Detention without End?: Reconsidering the Indefinite Confinement of Terrorism Suspects through the Lens of Criminal Sentencing," Oct. 24, 2013

Inter-American Commission on Human Rights, Organization of American States, Expert Testimony, "Legal Status of the Guantanamo Detainees," Oct. 3, 2013

Cambridge University, Symposium: Legal Traditions in a Diverse World, "Terrorism as a War Crime: Legal Traditions in Conflict," May 19, 2013

South Texas College of Law, Sixth Annual National Security Law Workshop, "Detention without End?: Reconsidering the Indefinite Confinement of Terrorism Suspects through the Lens of Criminal Sentencing," May 17, 2013

Rutgers Law School-Newark, Panelist, "The Legal Implications of Targeted Killing," Apr. 2, 2013

University of New South Wales, Sydney, Australia, "States of Surveillance: Counter-Terrorism and Comparative Constitutionalism," Dec. 14, 2012

ARC Centre of Excellence and Policing in Security, Griffith University, Brisbane, Australia, Invited Lecture, "Military Commissions and the Expressive Value of Punishment," Dec. 11, 2012

Melbourne Law School, Melbourne, Australia, Invited Lecture, "Military Commissions through the Lens of International Criminal Adjudication," Dec. 10, 2012

University of Maryland Law School, Annual Int'l and Comparative Law Symposium, "Extraterritoriality and the War on Terror," Nov. 15, 2012

New York City Bar Association, International Law Weekend, Panelist, "Guantanamo Military Commissions and the Future of International Criminal Law," Oct. 26, 2012

Ono Academic College, Tel Aviv, Israel, Panelist, "Rights, Deference, and Judicial Review in Terrorism Cases," June 4, 2012

University of Palermo, Buenos Aires, Argentina, "Litigation Strategies on National Security and Access to Information" (in Spanish), Mar. 13, 2012

Association of American Law Schools, Annual Conference, Civil Rights Section Panel on National Security and Civil Liberties, Jan. 7, 2012

John Jay College of Criminal Justice, Invited Lecture, "The Militarization of U.S. National Security Policy," Dec. 9, 2011

Saint Louis University School of Law, Symposium, "Justice Systems Circa 2011: Public Courts, Military Commissions and Aggregate Processing," Nov. 11, 2011

Columbia Law School, Symposium, "The Evolution of National Security Law: Ten Years after 9/11," Nov. 3, 2011

Eighth Global Conference on War and Peace, Warsaw, Poland, Panelist, "Terrorism and the Conception of War without End," May 23, 2011

Univ. Iberoamericana (UNIBE), Santo Domingo, Dominican Republic, Symposium, "Confronting the Human Rights Failings of U.S. Immigration Policy," May 13, 2011

Rutgers Law School, Symposium, "Reflecting on the 150th Anniversary of the Civil War: Perfecting Our Union in Time of Crisis," Apr. 1, 2011

The Constitution Project, Washington, DC, Panelist, "The Future of Guantanamo," Feb. 24, 2011

Wayne Univ. Law School, Symposium, "9/11 & the Legal Landscape: A Decade Later," Feb. 4, 2011

Harvard University, Program on Humanitarian Policy and Conflict Research, "Extending the Front Line?: The Use of Force in International Law" (live web seminar), Oct. 21, 2010

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

Chicago-Kent College of Law, Panelist, "The Guantanamo Lawyers," Mar. 31, 2010

Wayne State University Law School, Invited Lecture, "Ending Guantanamo," Mar. 9, 2010

Amherst College, Invited Lecture, "Ethical and Legal Challenges in Defending Terrorism Suspects," Feb. 22, 2010

ABA Standing Committee on Law and National Security, Nineteenth Annual Review of the Field of National Security Law, Panelist, Washington, DC, Nov. 13, 2009

Washington Univ. School of Law, Harris Institute Lecture, "Guantanamo: Past and Future," Oct. 20, 2009

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

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

Federalist Society & Heritage Foundation, Washington, DC, Panelist, "Counterterrorism and the Obama Administration," May 28, 2009

Duke Law School, Panelist, "National Security Law under a New Administration," 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, Invited Lecture, "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

Univ. S. Carolina Law School, Invited Lecture, “Domestic Detention & the Constitution,” Feb. 28, 2008

Roger Williams University School of Law, Symposium, “Legal Dilemmas in a Dangerous World: Law, Terrorism, and National Security,” Nov. 9, 2007

House Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties, Testimony for Oversight Hearing on Habeas Corpus and Detentions at Guantanamo Bay, June 26, 2007

University of Texas School of Law, Texas Int’l Law Journal Symposium, “The Military Commissions Act of 2006,” Apr. 11, 2007

Oklahoma City University School of Law, Invited Lecture, “Habeas Corpus and the Role of Courts in National Security Cases,” Mar. 27, 2007

City University of New York Law School, Symposium, “Guantanamo Bay: The Global Effects of Wrongful Detention, Torture, and Unchecked Executive Power,” Mar. 23, 2007

Yale Law School Alumnae Ass’n, Panelist, “Should Terrorists Have Access to Courts?” Mar. 6, 2007

University of Toledo College of Law, Invited Lecture, “Unchecked Executive Detention in the United States: The Case of Ali al-Marri,” Feb. 7, 2007

NYU 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 & Civil Rights Law Review Symposium, “Balancing Liberty and Security in the New Century,” Oct. 15, 2004

OTHER PROFESSIONAL ACTIVITIES

Chair, Task Force on National Security, New York City Bar Association (2013-2016)

Member, Task Force on National Security, New York City Bar Association (2016-2019)

Member, Gun Violence & Human Rights Steering Committee, Washington Univ. School of Law (2020-present)

List of Experts, International Criminal Court (2020-present)

Fellow, Center on National Security at Fordham Law School (2016-2019)

American Society of International Law, Int’l Legal Materials Editorial Advisory Committee (2013-2019)

International Centre for Counter-Terrorism – The Hague (ICCT), Member, Editorial Board (2016-present)

Advisory Specialist to Our Way Home Research Institute (2017-present)

Consultant, Open Society Foundations (2014)

Consultant, Organization for Security and Cooperation in Europe (2014)

Consultant, Open Society Justice Initiative, Project on Right to Information & National Security (2011-2013)

Cooperating Attorney, American Civil Liberties Union (2010-present)

OTHER EMPLOYMENT 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; First, Second, Third, Fourth, Ninth, Eleventh, and D.C. Circuits; and district courts for the Southern, Eastern, and Western Districts of New York.