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EXPERIENCE

Current

Fordham Law School, New York, NY, 1989-90, 1991-
Leitner Family Professor of International Human Rights
Founding Co-Director, *Leitner Center for International Law and Justice*

Princeton University, Woodrow Wilson School of Public and International Affairs, 2003-
Visiting Fellow and Professor, Program in Law and Public Affairs; Visiting Professor

Visiting & Adjunct Positions

Domestic

Cardozo School of Law, New York, NY, Summer 2009, 2010, 2012

Columbia Law School, New York, NY, 2011, 2013

The New School, New York, NY, 2009

New York Law School, New York, NY, 2010

St. John's University School of Law, New York, NY, 2010, 2013-15

Foreign

China University of Political Science and Law, Beijing, Spring 1999
Ford Foundation Grantee

National Judges College, Beijing, Spring 1999
Ford Foundation Grantee

Sungkyunkwan University, Seoul, South Korea, Summer 2006-08
Visiting Professor in Human Rights, SKKU/Fordham Summer Program

The Queen's University Belfast, Northern Ireland, Summer 2001
Visiting Professor in Human Rights, Queen's/UCD/Fordham Summer Program

Previous

Law Clerk to Hon. Byron R. White, Supreme Court of the United States, October Term 1990

Law Clerk to Hon. John J. Gibbons, U.S. Court of Appeals for the Third Circuit, 1988-89

EDUCATION

Columbia Law School

J.D. 1988, Harlan Fiske Stone Scholar, 1985-88
Book Review & Articles Editor, *Columbia Law Review*

Yale University, History Department

M.Phil, *with distinction*, 1987; M.A. 1982
Ph.D. Candidate; Dissertation: "Dividing Government Against Itself: Separation of Powers, Federalism, Foreign Affairs, and History"

Trinity College Dublin, Ireland

ITT/Fulbright Fellow, 1982-83

Princeton University

B.A. (history), *summa cum laude*, 1981

PUBLICATIONS

International and Human Rights Law

CONSTITUTIONS AND INTERNATIONAL LAW (Martin Flaherty ed.) (Edward Elgar, forthcoming 2016)
4 vols.

One Country, Which Direction?: Hong Kong 15 Years After the Handover, 51 COLUMBIA JOURNAL OF TRANSNATIONAL LAW 275 (2013)

Keynote: "But for Wuhan?: Do Foreign Law Schools That Operate in Authoritarian Regimes Have Human Rights Obligations?", 5 DREXEL LAW REVIEW __ (forthcoming 2013)

Human Rights Law, American Justice, and the "War on Terror," 25 OAH MAGAZINE OF HISTORY 35 (2011).

Judicial Globalization in the Service of Self-Government, 20 ETHICS & INTERNATIONAL AFFAIRS 477 (2006).

Separation of Powers in a Global Context, in JUDGES, TRANSITION, AND HUMAN RIGHTS CULTURES: ESSAYS IN HONOUR OF STEPHEN LIVINGSTONE (John Morrison and Colin Harvey, eds. 2006)

Rawls, Rights, and Reality, in UNIVERSAL HUMAN RIGHTS AND BULWARKS OF LOCALISM (Christopher Eisgruber and Andras Sajó, eds. 2005)

Exporting Despair: U.S. Aid Policy and the Right to Health, 28 FORDHAM INTERNATIONAL LAW JOURNAL 1 (2005) [with Tracy Higgins and Mehlika Hoodbhoy].

Rights, Reality, and Utopia in Symposium: Rawls and the Law, 72 FORDHAM LAW REVIEW 1789 (2004)

UNJUST ORDER: MALAYSIA'S INTERNAL SECURITY ACT (Crowley Program 2003) [Co-author and editor]

Unjust Order: Malaysia's Internal Security Act, 27 FORDHAM INTERNATIONAL LAW JOURNAL 1 (2003) [Co-author and editor]

Interim Report on the Rule of Law, Democracy and the Protection of Fundamental Rights in Hong Kong, 57 RECORD OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK 397 (2002) [Co-author and editor]

PRESUMED GUILTY? CRIMINAL JUSTICE AND HUMAN RIGHTS IN MEXICO (Crowley Program & Centro de Derechos Humanos Agustín Pro Juárez, 2001) [Co-author and editor]

Presumed Guilty? Criminal Justice and Human Rights in Mexico, 24 FORDHAM INTERNATIONAL LAW JOURNAL 1 (2000) [Co-author and editor]

One Country, Two Legal Systems?: A Report on the Rule of Law in Hong Kong Two Years After the Resumption of Chinese Sovereignty, 55 RECORD OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK 325 (2000) [Co-author and editor]

One Country, Two Systems?: The Rule of Law, Democracy, and Rights in Post-Handover Hong Kong, 23 FORDHAM INTERNATIONAL LAW JOURNAL 1 (1999) [Co-author and editor]

OBSTACLES TO REFORM: HUMAN RIGHTS IN TURKEY (Lawyers Committee for Human Rights, 1999) [Co-author and editor]

Justice on Trial: Human Rights Violations in Turkey, 22 FORDHAM INTERNATIONAL LAW JOURNAL 2129 (1999) [Co-author and editor]

AT THE CROSSROADS: HUMAN RIGHTS AND THE NORTHERN IRELAND PEACE PROCESS (Lawyers Committee for Human Rights, 1996) [Co-author and editor]

Interrogation, Legal Advice, and Human Rights in Northern Ireland, 27 COLUMBIA HUMAN RIGHTS LAW REVIEW 1 (1995)

Human Rights Violations Against Defense Lawyers, 7 HARVARD HUMAN RIGHTS JOURNAL 87 (1994)

HUMAN RIGHTS AND LEGAL DEFENSE IN NORTHERN IRELAND (Lawyers Committee for Human Rights, 1993) [Principal author]

Constitutional & Foreign Relations Law

Extraterritoriality, in AMERICAN GOVERNANCE (Mark Graber, ed.) (forthcoming 2016)

The Constitution Follows the Drone: Targeted Killings, Legal Constraints, and Judicial Safeguard, 2 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 211 (2015)

Judicial Foreign Relations Authority After 9/11, 55 NEW YORK LAW SCHOOL LAW REVIEW 119 (2012)

Restoring Separation of Powers in Foreign Affairs, 2 ST. JOHN'S JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW 21 (2012)

“Global Power in and Age of Rights,” in THE U.S. SUPREME COURT AND INTERNATIONAL LAW: CONTINUITY OR CHANGE?, (William Dodge, Michael Ramsey, David Sloss, eds; Cambridge 2011).

“Constitutional Resolve in a World Changed Utterly,” in THE U.S. SUPREME COURT AND INTERNATIONAL LAW: CONTINUITY OR CHANGE?, (William Dodge, Michael Ramsey, David Sloss, eds; Cambridge, (2011).

“Separation of Powers, the Rule of Law, and Executive “Creativity” in *Hamdan v. Rumsfeld*,” in SEPARATION OF POWERS: THE U.S. PERSPECTIVE (D. Sujatha ed. 2009)

Surrendering the Rule of Law in Foreign Relations, 32 FORDHAM INT’L L. J. 1154 (2009)

Organs Misused and Used, 53 ST. LOUIS U. L. J. 137 (2008)

“The Story of the Neutrality Controversy: Struggling Over Presidential Power Outside the Courts” in PRESIDENTIAL POWER STORIES (Curtis A. Bradley & Christopher H. Schroeder, eds.) (2008).

More Real Than Apparent: Separation of Powers, The Rule of Law, and Comparative Executive “Creativity” in *Hamdan v. Rumsfeld*, CATO SUPREME COURT REVIEW 2005-2006 (2006) [exchange with John Yoo].

The Most Dangerous Branch Abroad, 30 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 1 (2006) [exchange with Michael Ramsey].

Impeachment in OXFORD COMPANION TO THE SUPREME COURT (Oxford: Kermit Hall, et. al, eds., 3d ed. 2005).

Introduction, Medellin v. Dretke – Federalism, International Law, and the Supreme Court in 43 COLUMBIA JOURNAL OF TRANSNATIONAL LAW 667 (2005).

Executive Power Essentialism and Foreign Affairs, 102 MICHIGAN LAW REVIEW 525 (2004) [with Curtis A. Bradley]

The Future and Past of U.S. Foreign Affairs Law, 67 LAW AND CONTEMPORARY PROBLEMS 169 (2004)

Byron White, Federalism, and the Greatest Generation(s), 74 COLORADO LAW REVIEW (2003)

The Better Angels of Self-Government, 71 FORDHAM LAW REVIEW 1773 (2003)

John Marshall, McCulloch v. Maryland, and “We the People”: Revisions in Need of Revising, 43 WILLIAM AND MARY LAW REVIEW 1339 (2002)

Constitutional Asymmetry, 69 FORDHAM LAW REVIEW 2073 (2001)

Aim Globally, 17 CONSTITUTIONAL COMMENTARY 205 (2000)

History Right?: Historical Scholarship, Original Understanding, and Treaties as “Supreme Law of the Land,” 99 COLUMBIA LAW REVIEW 2095 (1999)

Are We to Be A Nation?: “States’ Rights” and the Treaty Power, 70 COLORADO LAW REVIEW (Symposium) 1277 (1999)

More Apparent Than Real: The Revolutionary Commitment to Constitutional Federalism, 45 KANSAS LAW REVIEW (Symposium) 1993 (1997)

The Practice of Faith, 65 FORDHAM LAW REVIEW (Symposium) 1565 (1997)

Relearning Founding Lessons: Joint Accountability and the Removal Power, 47 CASE WESTERN RESERVE LAW REVIEW (Symposium) 1563 (1997)

The Most Dangerous Branch, 105 YALE LAW JOURNAL 1725 (1996)

History "Lite" and Modern American Constitutionalism, 95 COLUMBIA LAW REVIEW 523 (1995)

History

Foreward: History "Lite" Today, 84 FORDHAM LAW REVIEW __ (forthcoming 2015)

The Uzi is Mightier than the Quill: History "Lite" and the Second Amendment, 37 CARDOZO LAW REVIEW __ (forthcoming 2015)

Book Review, *Harold Bruff, "Untrodden Ground: America's Evolutionary Presidency"*, 65 CASE WESTERN RESERVE LAW REVIEW 881 (2015)

Book Review, *The Language of Law and the Foundations of American Constitutionalism* by Gary McDowell 2010, 98 JOURNAL OF AMERICAN HISTORY 494 (2011)

Book Review, *Originalism, Federalism, and the American Constitution: A Historical Inquiry* by Edward A. Purcell, 29 JOURNAL OF THE EARLY REPUBLIC 741 (2009).

Review Essay, *Post-Originalism*, reviewing *David P. Currie, The Constitution in Congress: The Jeffersonians*, 68 UNIVERSITY OF CHICAGO LAW REVIEW 1089 (2001)

The Irish Articles of Religion in LAW AS CULTURE AND CULTURE AS LAW: ESSAYS IN HONOR OF JOHN PHILLIP REID (2000)

Book Review, *The Other Founders* by Saul Cornell, 44 AMERICAN JOURNAL OF LEGAL HISTORY 320 (2000)

From a Reidian Perspective in LAW AS CULTURE AND CULTURE AS LAW: ESSAYS IN HONOR OF JOHN PHILLIP REID (2000)

Book Review, *Negotiating the Constitution: The Earliest Debates Over Original Intent* by Joseph M. Lynch, 44 AMERICAN JOURNAL OF LEGAL HISTORY 96 (2000)

History in Constitutional Argumentation in ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION, Supplement II (2000)

Book Review, *Original Meanings: Politics and Ideas in the Making of the Constitution* by Jack N. Rakove, 41 AMERICAN JOURNAL OF LEGAL HISTORY 518 (1997)

Book Review, *Neither Kingdom Nor Nation* by Neil Longley York, 15 LAW AND HISTORY REVIEW 167 (1997)

Book Review, *Constitutional History of the American Revolution: The Authority to Legislate* by John Phillip Reid, 11 LAW AND HISTORY REVIEW 197 (1993)

Note, *The Empire Strikes Back, Annesley v. Sherlock and the Triumph of Imperial Parliamentary Supremacy*, 87 COLUMBIA LAW REVIEW 593 (1987)

Work-in-Progress

Book: Foreign Relations on the Supreme Court

Anthologized Work

History "Lite" in Modern American Constitutionalism in CONSTITUTIONAL THEORY: ARGUMENTS AND PERSPECTIVES, Michael J. Gerhardt, Thomas D. Rowe Jr., Rebecca L. Brown & Girardeau A. Spann, eds. (2nd ed. 2000)

The Most Dangerous Branch in MODERN CONSTITUTIONAL THEORY: A READER, John H. Garvey & T. Alexander Aleinikoff, eds. (4th ed. 1999)

SELECTED PAPERS, PRESENTATIONS, SYMPOSIA

"Debate: [with Jack Goldsmith] The Legality of Drones in International and Domestic Law, Fordham Law School, 2012

"Keynote Address: Do Law Schools Doing Business in Authoritarian Regimes Have Human Rights Obligations?" Drexel Law School, 2012

Panelist, [with Steve Vladeck, Dawn Johnson] "Human Rights and the Obama Administration," American Constitution Society, held at the Brennan Center, New York City, 2011

Debate, [with John Yoo, Julian Ku, Jeremy Rabkin] "Globalization and U.S. Law," American Enterprise Institute, Washington DC, 2012

Panelist, "Current Challenges in International Human Rights," Freidman Conference, Columbia Law School, 2012

Panelist, [with John Yoo, Michael Ramsey], "National Security and the Executive," Federalist Society Annual Meeting, Washington DC, 2011

Panelist, [with Jerome Cohen, Sharon Hom], "The Current Crackdown on Lawyers in China," International Law Weekend, 2011

"Restoring the Judiciary to Foreign Relations," Law@Princeton, 10th Anniversary Symposium, Program in Law and Public Affairs, Princeton University, 2010

"Treaty Claims in U.S. Courts after *Medellin v. Texas*," International Law Weekend, New York, 2010

Panelist "International Law, Domestic Courts, and Terrorism," NYU School of Law, 2007

Debate [with Michael Ramsay], "Foreign Relations and the Supreme Court" Federalist Society Annual Student Convention, Columbia Law School, 2007 [Judge Alex Kozinski, moderator], 2007

Panelist, "A New Constitutional Order?" Fordham Law School, 2007.

Testimony, International Commission of Jurists'Eminent Jurists Panel, (former South African Constitutional Court Chief Justice Arthur Chaskelson, chair), 2007

Book Workshop, "Aggressive Nationalism: John Marshall and *McCulloch v. Maryland* by Joseph Ellis," University of Buffalo, 2007

Panelist, "Customary International Law in US Law," New York City Bar Association, 2007

“*Ashcroft v. Raich: State Rights and Medical Marijuana*” The Supreme Court: Case and Controversy, Program in Law and Public Affairs, Princeton University, 2006.

“Separation of Powers in a Global Context,” Judges, Transition, and Human Rights Cultures: Presentation in Honour of Stephen Livingstone, “Queen’s University, Belfast, 2006

“Closing Remarks,” Foreign Relations Law Workshop, Harvard Law School, 2006

“Judicial Globalization,” Temple Law School Conference on International Law, 2006

“Global Separation of Powers and Executive Power,” ASIL International Law in Domestic Courts Annual Meeting, University of San Diego, 2006

“Eighteenth Century Constraints on the Twenty-First Century Executive,” Georgetown/Maryland Biennial Constitutional Law Discussion Group, 2006

“Judicial Globalization and Democracy,” ACS/Federalist Society, Fordham Law School [debate with John McGinnis], 2006

“Separation of Powers, the Rule of (International) Law, and Comparative Executive ‘Creativity’ in *Hamdan v. Rumsfeld*”, Federalist Society, New York, [debate with John Yoo] 2006

“Separation of Powers, the Rule of (International) Law, and Comparative Executive ‘Creativity’ in *Hamdan v. Rumsfeld*”, Cato Institute, [debate with John Yoo] 2006

“Executive Essentialism in Foreign Affairs,” Federalist Society Annual Student Convention, Columbia Law School, 2006

“*Hamdan* and International Law,” Annual Survey of Law, NYU Law School, 2006

“Transnational Separation of Powers,” Judges, Transition, and Human Rights, Queens University Belfast, 2005

“Closing Remarks,” Harvard Workshop on Foreign Relations Law, Harvard Law School, 2005

“Federalism and the Founding,” The Supreme Court: Case and Controversy, Program in Law and Public Affairs, Princeton, 2005

“Teaching Human Rights: The Crowley Program,” Conference on Human Rights Education, NYU School of Law, 2005.

Judicial Globalization in the Service of Self-Government,” American Society of International Law Conference, Georgetown Law Center, 2004

“Judicial Globalization in the Service of Self-Government,” Columbia Law School Legal Theory Workshop, 2004

“Judicial Globalization in the Service of Self-Government,” UCLA Law School Legal History Colloquium, 2004

Commentator, “The Future of Constitutional Conflict in the European Union by Mattias Kum & Victor Ferreres Comella,” *Altneland: The Constitution of Europe in an American Perspective*,” Woodrow Wilson School of Public and International Affairs, Princeton University and NYU School of Law, 2004

“Judicial Globalization in the Service of Self-Government,” Program in Law and Public Affairs Colloquium Series, Princeton University, 2004

“Founding Federalism and European Unity,” *Altneuland: Perspectives on the European Constitution*, Princeton University and NYU Law School, 2004

“William Molyneux and Irish Liberty in the Eighteenth Century,” Liberty Fund Conference, Santa Fe, New Mexico, 2004

“Executive Power Essentialism and Foreign Affairs,” University of Houston Faculty Colloquium, 2004

“Rawls, Rights, and Reality,” *Universalism and Local Knowledge in Human Rights*, Princeton University, 2003

“Rights, Reality, and Utopia,” *Rawls and the Law*, Fordham Law School, 2003

“The Founding, Executive Authority, and Foreign Affairs,” NYU Legal History Colloquium, 2003

“Justice White v. ‘States’ Rights,” *The Legacy of Justice Byron R. White*, University of Colorado School of Law, 2003

“Executive Foreign Affairs Authority and War,” Georgetown & Maryland Conference on Constitutional Law, 2002

“Structuring a New World Order,” *Progressive and Conservative Visions of Law at the Dawn of a New Century*, Fourth Annual Public Law Conference, Duke University School of Law, 2002 [panelist & co-organizer]

Conference on Law and Terrorism, Princeton University, 2002 [commentator]

“States’ Rights and Wrongs,” *Progressivism and State Law*, Fordham Law School, 2002 [panelist]

Presumed Disloyal: Immigrant Communities in Times of War, 2002 [Co-organizer with Human Rights in China]

“Popular Sovereignty and Constitutional Citizenship,” Georgetown & Maryland Conference on Constitutional Law, 2001

“Recent Developments in the Rule of Law in Hong Kong,” Asian-Affairs Committee, Association of the Bar of the City of New York, 2001

“John Marshall and We The People,” *The Legacy of Chief Justice John Marshall*, Institute of Bill of Rights Law, Marshall-Wythe Law School, College of William & Mary, 2001

“Popular Sovereignty and *McCulloch v. Maryland*,” St. John’s University School of Law, 2001

“Who the People?,” Georgetown & Maryland Conference on Constitutional Law, 2001

“Constitutional Asymmetry,” Fordham Law School Conference on Constitutional Law and the Good Society, 2000

“Foreign Affairs and the New ‘States’ Rights,” American Society of International Law Annual Meeting,

2000

“Aim Globally: The Place of Foreign Affairs Law in the U.S. Constitutional Canon,” Georgetown Biennial Conference on Constitutional Law, 1999

“The Multiple Sovereignties of the Founding,” American Society of Legal History Annual Meeting, 1999

“‘States’ Rights’ and Foreign Affairs,” University of Colorado Law School Conference on Foreign Affairs Law and the Constitution, 1999

Association of the Bar of the City of New York Conference on the 50th Anniversary of the Universal Declaration of Human Rights, 1998 [Moderator & Organizer]

Georgetown Biennial Conference on Constitutional Law, 1998

“In a Reidian Posture,” American Society of Legal History Annual Meeting, 1997

Fordham Law School Symposium on Human Rights on the Eve of the Next Century, 1997 [Principal Organizer]

“What Every Justice Should Know About Federalism,” NYU Constitutional Theory Colloquium, 1997

“Joint Accountability and Presidential Removal Power,” Case Western Reserve Law School Conference on Presidential Power in the Twenty-First Century, 1997

“Fidelity and Synthesis in Constitutional Theory,” Fordham Law School Conference on Fidelity in Constitutional Theory, 1996

“The Revolutionary Commitment to Constitutional Federalism,” University of Kansas Law School Conference on Federalism, 1996

“The Most Dangerous Department,” Pacific Coast Branch - American Historical Association, 1996

“Marching Backward Into The Future?,” Georgetown Biennial Conference on Constitutional Law, 1995

“The Most Dangerous Branch,” NYU Legal History Colloquium, 1995

“History 'Lite' and Modern American Constitutionalism,” NYU Legal History Colloquium, 1994

“Mr. Publius Goes to Warsaw,” Georgetown Biennial Conference on Constitutional Law, 1993

“Human Rights and Legal Defense in Northern Ireland,” NYU Legal History Colloquium, 1993

“The Articles of Religion and the Imperial Civil Wars,” NYU Legal History Colloquium, 1992

“The Empire Strikes Back,” Columbia Legal History Colloquium, 1986

HUMAN RIGHTS MISSIONS

China, 2008 (for New York City Bar Association)

Romania, 2005 (with Romani Kris)

Kenya, 2004 (with Family Planning of Kenya)

Malaysia, 2002 (with Suara Rakyat Malaysia/SUARAM)

Northern Ireland, 2001 (with the Lawyers Committee for Human Rights)
Mexico, 2000 (with the Centro de Derechos Humanos Miguel Agustín Pro Juárez)
Hong Kong, 1999 (with the Association of the Bar of the City of New York)
Turkey, 1998 (with the Lawyers Committee for Human Rights)
Northern Ireland, 1996 (with the Lawyers Committee for Human Rights)
Northern Ireland, 1992 (with the Lawyers Committee for Human Rights)

BOARD AND OFFICER POSITIONS

Chair, Council on International Affairs, New York City Bar Association, 2015-
Founding Vice Chair, Committee to Support Chinese Lawyers, www.cscl.org, 2010-
Board Member, American Association of the Commission of International Jurists, www.aaicj.org, 2008-
Life Member, Council on Foreign Relations, 2006-
Chair, Committee on International Human Rights, New York City Bar Association, 2001-03

AWARDS AND HONORS

Program in Law and Public Affairs Fellowship (LAPA), Princeton University, 2003-04
Ford Foundation Grant, 1999
ITT/Fulbright Fellowship, 1981-82
C.O. Joline Prize, Princeton, 1981 (best senior thesis in American history)
New Jersey Society of Colonial Wars Prize, Princeton, 1981 (best senior thesis in colonial
American history)
Koren Prize, Princeton, 1980 (best average in history, junior year)

MEDIA

The New York Times, *The Boston Globe*, *New York Daily News*, *New York Post*, *Knight-Ridder News Service*, *Apple Daily* (Hong Kong), Associated Press, PBS, CNN, MSNBC, Court TV, Fox News, BBC, National Public Radio, Arise TV, ABC Radio Network, Bloomberg Radio Network, WABC-TV (New York), WCBS-TV (New York), WNBC-TV (New York), WPIX-TV (New York), UPN-9 (New York), WABC Radio (New York), WOR Radio (New York)

COURSES TAUGHT

Civil Procedure
Comparative Federalism
Constitutional Law
International Human Rights Law
International Human Rights and Democratic Theory
International Human Rights and Development
International Human Rights Advocacy
Legal History
Professional Responsibility
Public International Law
Rule of Law and Civil Society in China
U.S. Foreign Relation Law

ADMISSIONS AND ASSOCIATIONS

Supreme Court of the United States
New York Bar

New Jersey Bar
Institute of Early American History and Culture
Organization of American Historians
American Legal History Association
American Society of International Law