

NEAL KUMAR KATYAL
Paul and Patricia Saunders Professor of Law
Georgetown University Law Center
600 New Jersey Avenue
Washington, DC 20001

PROFESSIONAL EXPERIENCE:

- 1997-Present **GEORGETOWN UNIVERSITY LAW CENTER**, Washington, DC
Paul and Patricia Saunders Professor (2008-)
Director for Center on Law and National Security (2008-)
John Carroll Research Professor (2003-2004)
Professor of Law (2001-2003, 2005-2007)
Associate Professor of Law (1997-2001) (on leave 1997-1999 at U.S. Dep't of Justice, and on leave 2001-2002 at Yale and Harvard Law Schools)
- 2002 Fall **HARVARD LAW SCHOOL**, Cambridge, MA
Visiting Professor of Law
- 2001-2002 **YALE LAW SCHOOL**, New Haven, CT
Visiting Professor of Law
*Awarded 2002 Yale Law Women "Teacher of the Year" (Yale Law School's only teaching prize, decided by student vote)
- Winter 1997-
Summer 1999 **OFFICE OF DEPUTY ATTORNEY GENERAL, U.S. DEP'T OF JUSTICE**
Adviser for National Security Affairs (Fall 1998-Summer 1999)
Special Assistant to the Deputy Attorney General (Winter 1997-Fall 1998)
Main issues concerned terrorism, various classified matters and operations, the Independent Counsel Act, other sensitive criminal investigations, the constitutionality and legality of military operations in Kosovo and Iraq, redesigning federal programs to comply with *Adarand v. Pena*, issues regarding race in America, and war crimes
- 1996-1997 **THE HON. STEPHEN G. BREYER, U.S. SUPREME COURT**, Washington, DC
Law Clerk
- 1995-1996 **THE HON. GUIDO CALABRESI, U.S. CT. OF APPEALS**, New Haven, CT
Law Clerk
- Summer 1995 **HOGAN & HARTSON**, Washington, DC
Summer Associate (worked with then-practitioner John Roberts)
- Summer 1994 **OFFICE OF SOLICITOR GENERAL, U.S. DEP'T OF JUSTICE**, Washington, DC
Summer Law Intern

EDUCATION:

YALE LAW SCHOOL, J.D., 1995

- Symposium Editor, *Yale Law Journal*
- Moot Court, Semifinalist
- Temporary Restraining Order Project (assistance to battered women)

DARTMOUTH COLLEGE, AB., Government and Asian Studies with Highest Honors, 1991

- Phi Beta Kappa, magna cum laude, Dartmouth Presidential Scholar

HONORS AND AWARDS (selected) [links to articles available at <http://www.law.georgetown.edu/faculty/nkk/publications.html>]

- Named one of the 90 Greatest Washington Lawyers Over the Last 30 Years by *Legal Times* (2008)
- Named one of the Top 50 Litigators Nationwide 45 Years Old or Younger by *American Lawyer Magazine* (2007)
- Named one of the 30 best advocates before the U.S. Supreme Court by *Washingtonian Mag.* (2007)
- Named runner-up as “Lawyer of the Year” by *National Law Journal* (Dec. 2006)
- Named “Lawyer of the Year for 2006” by *Lawyers USA Newspapers* (Dec. 2006).
- Named one of the top 500 lawyers in America by *LawDragon Magazine* (2006, 2007, and 2008)
- Named one of the nation's top "forty lawyers under forty" by the *National Law Journal*, May 2, 2005
- Winner of the 2004 *National Law Journal* Pro Bono Award
- Named one of ten Non-Resident Indians Achievers for 2005 Worldwide, *Hindustan Times* (2005)
- Awarded Dartmouth Club of Washington’s Daniel Webster Award (2008); Town of Salem Massachusetts Prize (2007); National Asian Pacific American Bar Association’s Trailblazer Award (2007); Pace University Asian-American Attorney of the Year Award (2007); Amnesty International Human Rights Defender Prize (2007); King County Bar Association’s Outstanding Lawyer Award (2007); ACLU Roger Baldwin Foundation Award (2007); Tigar Advocacy Prize by Texas Civil Rights Project (2006) and National South Asian Bar Association's Advocacy Award (2006)
- Named Byron McCormack Lecturer, University of Arizona (2009); David Baum Lecturer, University of Illinois Law School (2009); Donohue Lecturer, Suffolk University Law School (2008); Thurlow M. Gordon 1906 Lecturer, Dartmouth College (2007); Marvin K. Collie Lecturer, University

of Texas (2006); Marla Dickerson Public Interest Lecturer, Northern Illinois University (2006); and Philip Reed Lecturer, Fordham University (2007, 2006, 2005).

●Work profiled in:

- Vanity Fair story “*Taking on Guantanamo*” by Marie Brenner, March 2007
- National Public Radio (NPR) story by Nina Totenberg, Law Professor Beats the Odds with High Court Win, Sept. 5, 2006
- Yale Law School Alumni Mag., Summer 2006 story, Hamdan v. Rumsfeld: Neal Katyal Leads Students From Guantanamo to the Supreme Court
- Yale Alumni Mag., October 2006, A Challenge to Presidential Power
- Cover story for *Dartmouth Alumni Magazine*, “A Patriot’s Act,” July 2006
- Cover story for *Legal Times*, “Katyal’s Crusade,” July 31, 2006
- National Law Journal* Article “Neal Katyal: A Different Take on Detainees Scores Big,” January 5, 2005
- January. 2005, *Hindustan Times*, “Non-Resident Indian Achievers”
- September 2004, *American Lawyer* Article "Defending Detainees"

AREAS OF EXPERTISE:

- CONSTITUTIONAL LAW** (particularly role of the Supreme Court, presidential powers, the role of federal courts, interpretation of the Constitution by Congress and the President)
- NATIONAL SECURITY LAW** (particularly war powers, intelligence, and military justice)
- MILITARY LAW** (particularly the Uniform Code of Military Justice and relationship of military to civilian courts)
- CRIMINAL LAW** (particularly deterrence of crime, group crime, conspiracy)
- CYBERLAW** (particularly computer crime)

PUBLICATIONS:

- CRIMINAL LAW (forthcoming, Foundation Press 2008) (with Tracey Meares and Dan Kahan)
- The Surprisingly Stronger Case for the Legality of the NSA Program, The FDR Precedent*, 60 STANFORD L. REV. 1023 (2008) (with Georgetown '07 Richard Caplan)
- *Equal Protection in the War on Terror*, 59 STANFORD L. REV. 1365 (2007)
- Disregarding Foreign Relations Law*, 116 YALE L.J. 1230 (2007) (with Derek Jinks)
- The Supreme Court, 2005 Term, Comment: Hamdan v. Rumsfeld: The Legal Academy Goes to Practice*, 120 HARVARD L. REV. 65 (2006)
- Internal Separation of Powers: Checking Today's Most Dangerous Branch from Within*, 115 YALE L.J. 2314 (2006)

- *The Dark Side of Private Ordering: The Network\Community Harm of Crime*, in THE LAW AND ECONOMICS OF CYBERSECURITY (Mark Grady & Francisco Parisi eds. Cambridge U.P. 2006)
- *Community Self Help*, 1 J. L. Econ. & Pol’y 33 (2005).
- *Updating the Study of Punishment*, 56 STANFORD L. REV. 1171 (2004) (with Tracey Meares and Dan Kahan)
- *Executive and Judicial Overreaction in the Guantanamo Cases*, 2004 Cato S. Ct. Rev. 49 (Fall 2004)
- *Sunsetting Judicial Opinions*, 79 NOTRE DAME L. REV. 1237 (2004)
- *The Promise and Precondition of Educational Autonomy*, 31 HASTINGS CON. L. Q. 557 (2003)
- *Digital Architecture as Crime Control*, 112 YALE L.J. 2261 (2003)
- *Conspiracy Theory*, 112 YALE L.J. 1307 (2003)
- *Waging War, Deciding Guilt: Trying the Military Tribunals*, 111 YALE L.J. 1259 (2002) (with Laurence Tribe)
- *Architecture as Crime Control*, 111 YALE L.J. 1039 (March 2002)
- *Criminal Law in Cyberspace*, 149 U. PENN. L. REV. 1003 (2001)
- *Legislative Constitutional Interpretation*, 50 DUKE L.J. 1335 (2001)
- *The Clinton Impeachment and Congressional Constitutional Interpretation*, 63 LAW & CON. PROBS. 169 (2000)
- *The Public and Private Lives of Presidents*, 8 WM. & MARY BILL RTS. J. 677 (2000)
- *Judges As Advicegivers*, 50 STANFORD L. REV. 1709 (1998)
- *Deterrence’s Difficulty*, 95 MICHIGAN L. REV. 2385 (1997)
- *Our Unconventional Founding*, 62 U. CHICAGO L. REV. 475 (1995) (with Bruce Ackerman)
- *Executive Privileges & Immunities: The Nixon and Clinton Cases*, 108 HARV. L. REV. 701 (1995) (with A. Amar)
- *Bakke’s Fate*, 43 UCLA L. REV. 1745 (1996) (with A. Amar)

- *Why Affirmative Action in Higher Education is Safe in the Courts*, 9 J. BLACKS IN HIGHER ED. 83 (1995)
- *Men Who Own Women: A Thirteenth Amendment Critique of Forced Prostitution*, 103 YALE L.J. 791 (1993)

MISCELLANEOUS PUBLICATIONS (selected):

- *Courting Failure*, American Lawyer Litigation, Fall 2008, at 24.
- *Counsel, Legal and Illegal*, The New Republic, Nov. 9, 2007 (Review of Jack Goldsmith, The Terror Presidency)
- *The Terrorists' Court*, New York Times, July 11, 2007, at A19 (with Jack Goldsmith)
- *Prosecution Complex*, New York Times, March 27, 2007, at A19.
- *We Want Tough Arguments*, Legal Times, Jan. 22, 2007 (with Theodore B. Olson)
- *Toward Internal Separation of Powers*, 116 Yale L.J.: The Pocket Part (October 2006)
- *Split Up Dueling Roles of OLC*, Legal Times, Sept. 11, 2006
- *Invent this Wheel: Now Can we Try Using Courts-Martial for Enemy Detainees?*, SLATE.COM, July 11, 2006
- *Executive Decision*, WASHINGTON POST, Jan. 8, 2006, at BW07 (review of John Yoo, The Powers of War and Peace)
- *Enough Already: It's Time to Reign in Special Prosecutors*, WALL ST. JNL., Oct. 27, 2005 (with Viet Dinh)
- *What the Co-Equal Branch Thinks: Enlighten the Justice-to-Be About the Senate's Take on Legal Debates*, Legal Times, July 25, 2005, at 59
- *Tortured Logic*, WASHINGTON POST, Feb. 20, 2005, at BW10 (review of several post 9-11 books).
- *Sins of Commissions: Why aren't we using the courts-martial system at Guantanamo?*, SLATE.COM, Sept. 8, 2004
- *Wise Counsel: Appoint a special counsel to investigate Geneva violations*, SLATE.COM, May 28, 2004
- *Transparency is Key to Gauging the Legality of Admissions Practices*, CHRON. HIGHER ED., Apr. 9, 2004 (with R. Clegg)
- *Let Justice Take Its Course*, NEW YORK TIMES, Oct. 2, 2003, at A31 (with Viet Dinh)
- *The Case for Conspiracy Laws*, LEGAL AFFAIRS, March 2003
- *Don't Gut Conspiracy Laws When We Need Them the Most*, SLATE.COM, Nov. 20, 2002
- *President Bush's Plan for Judicial Appointments*, LEGAL TIMES, Nov. 11, 2002
- *When the Federal Government Bigfoots Local Law Enforcement*, CHI. TRIB., Nov. 4, 2002
- *Beyond the Law of One: The Real World Works in Groups, But Law Schools Don't Teach that Way*, LEGAL TIMES, Sept. 9, 2002
- *How to Fight Computer Crime*, NEW YORK TIMES, July 30, 2002, at A19
- *The Strong Case for Campus Diversity*, WASHINGTON POST, June 27, 2001, at A25 (with Eric Holder)
- *Politics Over Principle*, WASHINGTON POST, Dec. 14, 2000, at A31
- *Protecting and Preserving Florida's Process*, CNN.Com, Dec. 1, 2000

- *Positive Use of Election Debacle*, NATL L. J., Nov. 27, 2000, at A27
- *Florida's Election Day Vote Could be Irrelevant*, CNN.Com, Nov. 9, 2000
- *The Battle Between Congress and the Supreme Court Over Miranda Warnings*, CNN.Com, April 18, 2000
- *Executive Privilege, Confidentiality, Trust*, WASHINGTON POST, Sept. 24, 1999, at A31
- *National Testing's Pedigree*, NEW YORK TIMES, Sept. 12, 1997, at A37
- *Clinton Has the Power to Fill the Vacant Seats*, LOS ANGELES TIMES, Oct. 1, 1997, at A11
- *Recess Appointment Need Not Be Antagonistic*, NATL L. J., December 29, 1997, at A16
- *The Probable Failure of Conditional Purpose in the Model Penal Code*, 32 CRIM. L. BULL. 25 (1996)
- *School Colors*, NEW REPUBLIC, July 17 & 24, 1995, at 24 (with Akhil Amar)

LECTURES GIVEN:

Professor Katyal has given more than 200 keynote addresses and lectures in the past two years around the globe. A representative list is available upon request.

PROFESSIONAL ASSOCIATIONS:

- Member, Advisory Board, TransAtlantic Institute, American Jewish Congress
- Member, Advisory Council, North American South Asian Bar Association
- Elected to Edward Bennett Williams Inn of Court (Criminal Bar, Washington, DC)
- Member, InSITEs Project, Carnegie Mellon University (network of cyberlaw professionals)
- Admitted to District of Columbia Bar (1998), U.S. Court of Appeals for the District of Columbia Bar (1999), U.S. Court of Appeals for the Sixth Circuit (2001), U.S. Court of Appeals for the Second Circuit (2008), U.S. Supreme Court (2003)
- Member, American Law and Economics Association
- Member, American Bar Association

LEGAL ADVOCACY (Selected):

- Lead Counsel for Salim Hamdan and Lieutenant Commander Charles Swift, U.S. Navy, in the Military Commission Challenge *Hamdan v. Rumsfeld et al.* Argued orally in District Court, United States Court of Appeals for the D.C. Circuit, and Supreme Court of the United States (No. 05-184)
- Lead Counsel for Petitioner in employment/constitutional challenge *Engquist v. Oregon*, U.S. Supreme Court (2008) (No. 07-474). Argued orally in Supreme Court
- Lead Counsel for the State of Louisiana in its Petition for Rehearing in *Kennedy v. Louisiana* (No. 07-343) (child rape case)
- Lead Counsel for Respondent, a State Agency, in *Hawaii v. Office of Hawaiian Affairs*, No. 07-1372, to be argued in February 2009

- Lead Counsel for amicus curiae Military Attorneys (Navy, Air Force, Marines, and Army) Assigned to the Defense in the Office of Military Commissions, in *Al Odah v. United States*, No. 03-343, U.S. Supreme Court (access to habeas corpus from Guantanamo Bay)
- Co-Counsel for Vice President Albert Gore in *Bush v. Palm Beach Canvassing Bd.* U.S. Supreme Court, No. 00-836 (2000) (contested Presidential election case)
- Lead Counsel for amici curiae Private Law School Deans (of Columbia, Cornell, Duke, Georgetown, Northwestern, NYU, University of Pennsylvania, Stanford, University of Chicago, and Yale Law Schools) Judith Areen, Katharine Bartlett, Michael Fitts, Anthony Kronman, David Leebron, Saul Levmore, Richard Revesz, Kathleen Sullivan, Lee Teitelbaum, and David Van Zandt in *Grutter v. Bollinger*, U.S. Supreme Court (2003) (University of Michigan law school case)
- Lead Counsel for amici curiae Private Law School Deans (of Columbia, Cornell, Duke, Georgetown, Harvard, NYU, University of Pennsylvania, and Yale Law Schools) Judith Areen, Katharine Bartlett, Robert Clark, Michael Fitts, Anthony Kronman, David Leebron, John Sexton, and Lee Teitelbaum (“Private Law School Deans”) in *Grutter v. Bollinger*, No. 01-1447 in U.S. Court of Appeals for the Sixth Circuit (University of Michigan law school case)
- Counsel of Record for amicus curiae Justice Joseph Grodin in *Elk Grove v. Newdow*, No. 02-1624, U.S. Supreme Court (Pledge of Allegiance case)
- Successful Oral Argument on behalf of the United States Government in *United States v. Townsend*, No. 98-3041, 178 F. 3d 558-71 (D.C. Cir. 1999)

CONGRESSIONAL TESTIMONY:

- Testified Before House Armed Services Committee, July 30, 2008, The Impact of Boumediene
- Testified Before House Judiciary Committee, U.S. Justice Department's Special Counsel Regulations, February 26, 2008
- Testified Before Senate Armed Services Committee, Guantanamo Policy, April 26, 2007
- Testified Before House Armed Services Committee, The War on Terror, March 29, 2007
- Testified before Senate Armed Services Committee, July 19, 2006, The Supreme Court Decision in *Hamdan v. Rumsfeld*
- Testified before Senate Judiciary Committee, November 28, 2001, “DOJ Oversight: Preserving our Freedoms While Defending Against Terrorism

REFERENCES (more available on request):

- Judge Guido Calabresi, U.S. Court of Appeals for the Second Circuit, (203) 773-2291
- Eric Holder, Former Deputy Attorney General, Covington & Burling, eholder@cov.com, (202) 662-5372
- Akhil Amar, Southmayd Professor of Law, Yale University. Akhil.Amar@yale.edu, (203) 432-4838
- Bruce Ackerman, Sterling Professor of Law, Yale University. (203) 432-0065, bruce.ackerman@yale.edu