

STEPHEN I. VLADECK

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EMPLOYMENT / FELLOWSHIPS

GEORGETOWN UNIVERSITY LAW CENTER, Washington, D.C. July 2024 –
Agnes Williams Sesquicentennial Professor of Federal Courts, January 2025 – present.
Professor of Law, July 2024 – present.

Courses: Civil Procedure; Federal Courts; The Supreme Court's Docket.
Service: Faculty Workshops (*Co-Chair*, 2025–26); SJD/Fellows Committee (2024–25).

UNIVERSITY OF TEXAS SCHOOL OF LAW, Austin, Tex. June 2016 – July 2024
Charles Alan Wright Chair in Federal Courts, September 2020 – July 2024.
A. Dalton Cross Professor in Law, November 2017 – September 2020.
Professor of Law, June 2016 – July 2024.

Courses: Federal Courts; Constitutional Law; Civil Procedure; National Security / Counterterrorism Law; Military Justice.
Service: **University:** Elected Member, Faculty Council (2020–22; 2022–24); Elected Member, Faculty Council Executive Committee (2022–23; 2023–24); Elected Member, Law School Dean Search Consultative Committee (2021–22); Committee of Counsel on Academic Freedom & Responsibility (2020–25; *Chair-Elect*, 2021–22; *Chair*, 2022–23); UT Press Advisory Committee (2023–24); Information Technology Committee (2017–20).
Law School: Appointments Committee (2016–20; 2022–23); Budget Committee (2021–22); *Ad Hoc* Prize Committee (2023–24); Colloquium Committee (2016–17; 2020–21).
Awards: President's Research Impact Award (2024); and
University of Texas Mexico Center Award for Outstanding Opinion Writing (2019).

UNIVERSITY OF CHICAGO LAW SCHOOL, Chicago, Ill. Autumn Quarter 2023
Visiting Professor of Law.

ROBERT STRAUSS CENTER FOR INTERNATIONAL SECURITY AND LAW, Austin, Tex. June 2016 – present
Distinguished Scholar.

THE CABLE NEWS NETWORK, Atlanta, Ga. May 2013 – present
Supreme Court Contributor and Legal Analyst.

THE CONSTITUTION PROJECT, PROJECT ON GOVERNMENT OVERSIGHT, Washington, D.C. February 2010 – present
Supreme Court Fellow.

AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW, Washington, D.C. September 2007 – June 2016
Associate Dean for Scholarship, September 2011 – August 2014.
Professor of Law, September 2009 – June 2016.
Associate Professor of Law, September 2007 – August 2009.

Awards: American University Faculty Award for Outstanding Scholarship, Research, Creative Activity, and Other Professional Contributions (2012–13); WCL Teacher of the Year (2009–10); SBA Professor of the Year (2008–09; 2010–11; 2011–12); WCL External Service Award (2010–11); Emalee C. Godsey Faculty Scholarship Award (2008–09); NIMJ Kevin J. Barry Writing Award for Excellence in Military Legal Studies (2010).

UNIVERSITY OF MIAMI SCHOOL OF LAW, Coral Gables, Fla. June 2005 – June 2007
Associate Professor of Law.

HON. ROSEMARY BARKETT, U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT, Miami, Fla. May 2006 – August 2006
Law Clerk. (filled a vacancy to complete the Term).

HON. MARSHA S. BERZON, U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT, San Francisco, Cal. June 2004 – June 2005
Law Clerk.

CLEARY, GOTTlieb, STEEN, & HAMILTON, New York, N.Y. and London, England Summer 2003
Summer Associate.

HUMAN RIGHTS FIRST (LAWYERS COMMITTEE FOR HUMAN RIGHTS), Washington, D.C. Summer 2002
Legal Intern, International Justice and U.S. Law & Security Programs.

EDUCATION

YALE LAW SCHOOL, J.D., 2004

- Awards:* Potter Stewart Prize for Best Team Performance in Moot Court (Spring 2004)
Harlan Fiske Stone Prize for Outstanding Individual Moot Court Oralist (Spring 2004)
- Activities:* Executive Editor, YALE L.J.; Articles Editor, YALE J. INT’L L.; Submissions Editor, YALE HUM. RTS. & DEV. L.J.
Student Director, Balancing Civil Liberties & National Security Post-9/11 Litigation Project
Research Assistant & Teaching Assistant (Civil Procedure), Prof. Harold Hongju Koh
Teaching Assistant (Civil Procedure), Prof. Oona A. Hathaway

AMHERST COLLEGE, B.A., *summa cum laude*, with Highest Distinction in History and Mathematics, 2001

- Thesis:* [LEIPZIG’S SHADOW: THE WAR CRIMES TRIALS OF THE FIRST WORLD WAR AND THEIR IMPLICATIONS FROM NUREMBERG TO THE PRESENT](#)
- Awards:* NACDA / Sears Director’s Cup National Postgraduate Scholarship (2001)
Alfred F. Havighurst Prize for Outstanding Senior History Major (2001)
Sphinx Spoon for Outstanding Dedication to Athletics (1999, 2000, 2001)
Samuel Bowles Prize for Excellence in Journalism (1999)

TEACHING AND RESEARCH INTERESTS

Federal Courts; Civil Procedure; Constitutional Law; National Security Law; Military Justice; Habeas Corpus.

SELECTED PUBLICATIONS

THE COURT WE NEED: WHY THE SUPREME COURT IS WORTH SAVING—ESPECIALLY FROM ITSELF (Viking Press forthcoming 2027)

The Supreme Court’s (Self-Defeating) Supremacy, 2025 SUP. CT. REV. (forthcoming 2026)

The Impunitary Executive: Article II After Trump v. United States, 74 DRAKE L. REV. (forthcoming 2025)

Fixing the Supreme Court Through Its Docket, 105 B.U. L. REV. 1607 (2025)

“*The Supreme Court Has Become Too Political*,” in WE HOLD THESE “TRUTHS”:
HOW TO SPOT THE MYTHS THAT ARE HOLDING AMERICA BACK 109 (Casey Burgat, ed. 2025)

A Court of First View, 138 HARV. L. REV. 533 (2024)

NATIONAL SECURITY LAW (8th ed. 2024) (with Stephen Dycus, William C. Banks, Emily Berman, and Peter Raven-Hansen)

THE SHADOW DOCKET: HOW THE SUPREME COURT USES STEALTH RULINGS TO AMASS POWER
AND UNDERMINE THE REPUBLIC (2023 & paperback ed. 2024)

- *The New York Times* Best Sellers (June 4, 2023; June 11, 2023)
- Writers’ League of Texas, Non-Fiction Book of the Year, 2023
- Order of the Coif Book Award, 2024
- Finalist, ABA Silver Gavel Award for Media and the Arts, 2024

Putting the “Shadow Docket” in Perspective, 17 HARV. L. & POL’Y REV. 289 (2023)

The Business of the Supreme Court: How We Do, Don’t, and Should Talk About SCOTUS, 67 ST. LOUIS U. L.J. 571 (2023)

Emergency Relief During Emergencies, 102 B.U. L. REV. 1787 (2022)

The Most-Favored Right: COVID, the Supreme Court, and the (New) Free Exercise Clause,
15 N.Y.U. J.L. & LIBERTY 699 (2022)

The Inconsistent Originalism of Judge-Made Remedies Against Federal Officers, 96 NOTRE DAME L. REV. 1869 (2021)

The Disingenuous Demise and Death of Bivens, 2020 CATO SUP. CT. REV. 263

Coronavirus, Civil Liberties, and the Courts: The Case Against “Suspending” Judicial Review, 133 HARV. L. REV. F. 179 (2020)
(with Lindsay F. Wiley)

COUNTERTERRORISM LAW (4th ed. 2020) (with Stephen Dycus, William C. Banks, and Peter Raven-Hansen)

The Separation of National Security Powers: Lessons from the Second Congress, 129 YALE L.J. F. 610 (2020)

The Supreme Court, 2018 Term—Essay: The Solicitor General and the Shadow Docket, 133 HARV. L. REV. 123 (2019)

Constitutional Remedies in Federalism’s Forgotten Shadow, 107 CAL. L. REV. 1043 (2019)

The Aggressive Virtues, 93 N.Y.U. L. REV. 66 (2018)

Military Officers and the Civil Office Ban, 93 IND. L.J. 241 (2018)

- The Constitutional Right to Collateral Post-Conviction Review*, 103 VA. L. REV. 905 (2017) (with Carlos M. Vázquez)
- War and Justiciability*, 49 SUFFOLK L. REV. 47 (2016)
- The Demise of Merits-Based Adjudication in Post-9/11 National Security Litigation*, 64 DRAKE L. REV. 1035 (2016)
- Petty Offenses and Article III*, 19 GREEN BAG 2D 67 (2015)
- The FISA Court and Article III*, 72 WASH. & LEE L. REV. 1161 (2015)
- Military Courts and Article III*, 103 GEO. L.J. 933 (2015)
- Military Courts and the All Writs Act*, 17 GREEN BAG 2D 191 (2014)
- Terrorism Prosecutions and the Problem of Constitutional “Cross-Ruffing,”* 36 CARDOZO L. REV. 709 (2014)
- Detention After the AUMF*, 82 FORDHAM L. REV. 2189 (2014)
- Standing and Secret Surveillance*, 10 I/S: J.L. & POL’Y FOR INFO. SOC’Y 551 (2014)
- After the AUMF*, 5 HARV. NAT’L SEC. J. 115 (2014) (with Jennifer Daskal)
- State Law, the Westfall Act, and the Nature of the Bivens Question*, 161 U. PA. L. REV. 509 (2013) (with Carlos M. Vázquez)
- Pendent Appellate Bootstrapping*, 16 GREEN BAG 2D 199 (2013)
- Eisenstrager’s (Forgotten) Merits: Military Commissions and Collateral Review, in UNTOLD STORIES: HIDDEN HISTORIES OF WAR CRIMES TRIALS 193 (Kevin Heller & Gerry Simpson eds., Oxford Univ. Press 2013)
- The Civilianization of Military Jurisdiction*, in THE CONSTITUTION AND THE FUTURE OF CRIMINAL JUSTICE IN AMERICA 287 (John T. Parry & Song Richardson eds., Cambridge Univ. Press 2013)
- Exceptional Courts and the Structure of American Military Justice*, in GUANTÁNAMO AND BEYOND: EXCEPTIONAL COURTS AND MILITARY COMMISSIONS IN COMPARATIVE AND POLICY PERSPECTIVE 163 (Fionnuala D. Ní Aoláin & Oren Gross eds., Cambridge Univ. Press 2013)
- The New National Security Canon*, 61 AM. U. L. REV. 1295 (2012)
- The Passive-Aggressive Virtues*, 111 COLUM. L. REV. SIDEBAR 122 (2011)
- The D.C. Circuit After Boumediene*, 41 SETON HALL L. REV. 1451 (2011)
- Book Review, *The New Habeas Revisionism*, 124 HARV. L. REV. 941 (2011) (reviewing PAUL D. HALLIDAY, HABEAS CORPUS: FROM ENGLAND TO EMPIRE (2010))
- The Laws of War as a Constitutional Limit on Military Jurisdiction*, 4 J. NAT’L SEC. L. & POL’Y 295 (2010)
- Justice Jackson, the Memory of Internment, and the Rule of Law After the Bush Administration*, in WHEN GOVERNMENTS BREAK THE LAW: THE RULE OF LAW AND THE PROSECUTION OF THE BUSH ADMINISTRATION 183 (Austin Sarat & Nasser Hussain eds., 2010)
- Terrorism Trials and the Article III Courts After Abu Ali*, 88 TEX. L. REV. 1501 (2010)
- Boumediene’s Quiet Theory: Access to Courts and the Separation of Powers*, 84 NOTRE DAME L. REV. 2107 (2009)
- The Case Against National Security Courts*, 45 WILLAMETTE L. REV. 505 (2009)
- Book Review, *The Long War, the Federal Courts, and the Necessity / Legality Paradox*, 43 U. RICH. L. REV. 893 (2009) (reviewing BEN WITTES, LAW AND THE LONG WAR: THE FUTURE OF JUSTICE IN THE AGE OF TERROR (2008))
- AEDPA, Saucier, and the Stronger Case for Rule-First Constitutional Adjudication*, 32 SEATTLE U. L. REV. 595 (2009)
- The Riddle of the One-Way Ratchet: Habeas Corpus and the District of Columbia*, 12 GREEN BAG 2D 71 (2008)
- Habeas Corpus, Alternative Remedies, and the Myth of Swain v. Pressley*, 13 ROGER WILLIAMS U. L. REV. 411 (2008)
- The Suspension Clause as a Structural Right*, 62 U. MIAMI L. REV. 275 (2008)
- The Calling Forth Clause and the Domestic Commander-in-Chief*, 29 CARDOZO L. REV. 1091 (2008)
- The Field Theory: Martial Law, the Suspension Power, and the Insurrection Act*, 80 TEMPLE L. REV. 391 (2007)
- Enemy Aliens, Enemy Property, and Access to the Courts*, 11 LEWIS & CLARK L. REV. 963 (2007)

Congress, the Commander-in-Chief, and the Separation of Powers After Hamdan,
16 TRANSNAT'L L. & CONTEMP. PROBS. 933 (2007)

Deconstructing Hirota: Habeas Corpus, Citizenship, and Article III, 95 GEO. L.J. 1497 (2007)

Note, *Emergency Power and the Militia Acts*, 114 YALE L.J. 149 (2004)

Case Comment, *Non-Self-Executing Treaties and the Suspension Clause After St. Cyr*, 113 YALE L.J. 2007 (2004)

Note, *The Detention Power*, 22 YALE L. & POL'Y REV. 153 (2004)

Policy Comment, *A Small Problem of Precedent: 18 U.S.C. § 4001(a) and the Detention of U.S. Citizen "Enemy Combatants,"*
112 YALE L.J. 961 (2003)

ADDITIONAL BOOKS / BOOK CHAPTERS / ENCYCLOPEDIA ENTRIES

COUNTERTERRORISM LAW (4th ed. Supps. 2021, 2022, 2023)
(with Stephen Dycus, William C. Banks, Peter Raven-Hansen, and Emily Berman)

NATIONAL SECURITY LAW (7th ed. Supps. 2021, 2022, 2023)
(with Stephen Dycus, Arthur L. Berney, William C. Banks, Peter Raven-Hansen, and Emily Berman)

NATIONAL SECURITY LAW (7th ed. 2020) (with Stephen Dycus, William C. Banks, and Peter Raven-Hansen)

COUNTERTERRORISM LAW (3d ed. Supps. 2017, 2018, 2019) (with Stephen Dycus, William C. Banks, and Peter Raven-Hansen)

NATIONAL SECURITY LAW (6th ed. Supps. 2017, 2018, 2019)
(with Stephen Dycus, Arthur L. Berney, William C. Banks, and Peter Raven-Hansen)

Implied Constitutional Remedies After Abbasi, in AM. CONST. SOC'Y, SUPREME COURT REVIEW, 2016–2017, at 179
(Steven D. Schwinn ed., 2017)

"Incidental" Foreign Intelligence Surveillance and the Fourth Amendment, in THE CAMBRIDGE HANDBOOK
OF SURVEILLANCE LAW 101 (David Gray & Stephen E. Henderson eds., 2017) (with Jennifer Daskal)

NATIONAL SECURITY LAW (6th ed. 2016) (with Stephen Dycus, Arthur L. Berney, William C. Banks, and Peter Raven-Hansen)

COUNTERTERRORISM LAW (3d ed. 2016) (with Stephen Dycus, William C. Banks, and Peter Raven-Hansen)

Article I Federal Courts, in AM. BAR ASS'N, THE IMPROVEMENT OF THE ADMINISTRATION OF JUSTICE 745 (8th ed. 2016)

NATIONAL SECURITY LAW (5th ed. Supps. 2012, 2013, 2014, 2015)
(with Stephen Dycus, Arthur L. Berney, William C. Banks, and Peter Raven-Hansen)

COUNTERTERRORISM LAW (2d ed. Supps. 2012, 2013, 2014, 2015)
(with Stephen Dycus, William C. Banks, and Peter Raven-Hansen)

Detention and Interrogation in Law and War, in ROUTLEDGE HANDBOOK OF LAW AND TERRORISM 163
(Genevieve Lennon & Clive Walker, eds., 2015) (with Clive Walker)

Prosecuting Leakers Under U.S. Law, in WHISTLEBLOWERS, LEAKS, AND THE MEDIA:
THE FIRST AMENDMENT AND NATIONAL SECURITY 29 (Paul Rosenzweig et al., eds. 2014)

Navigating the Shoals of Secrecy: A Comparative Analysis of the Use of Secret Evidence and "Cleared Counsel"
in the United States, the United Kingdom, and Canada, in REASONING RIGHTS: COMPARATIVE JUDICIAL ENGAGEMENT 161
(Liora Lazarus et al., eds., Hart Publ'g 2014) (with David Cole)

Comparative Advantages: Secret Evidence and "Cleared Counsel" in the United States, the United Kingdom, and Canada,
in SECRECY, NATIONAL SECURITY AND THE VINDICATION OF CONSTITUTIONAL LAW 173
(David Cole et al., eds., Edward Elgar Publ'g 2013) (with David Cole)

Detention Policies, in PATRIOTS DEBATE: CONTEMPORARY ISSUES IN NATIONAL SECURITY LAW 205
(Harvey Rishikof et al., eds., Am. Bar Ass'n 2012) (with Gregory F. Jacob)

Clay v. United States, in 4 MILESTONE DOCUMENTS IN AFRICAN AMERICAN HISTORY 1566 (Paul Finkelman ed., 2010)

The Supremacy Clause, in 5 THE OXFORD INTERNATIONAL ENCYCLOPEDIA OF LEGAL HISTORY 410
(Stanley N. Katz et al., eds., 2009)

Rumsfeld v. Padilla, 542 U.S. 426 (2004), in 4 ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES 306
(David S. Tanenhaus et al., eds., 2008)

The Statutory Framework, in GEOFFREY R. STONE, TOP SECRET: WHEN OUR GOVERNMENT KEEPS US IN THE DARK 67 (2007)

ADDITIONAL LAW REVIEW PUBLICATIONS

- Scholarly Impact in the Age of Social Media*, 19 L. CULTURE & HUMAN. 25 (2023)
- Reforming the U.S. Supreme Court by Reforming Its Docket*, 16 J. PARLIAMENTARY & POL. L. 7 (2022)
- Classification and Access to National Security Information*, 19 FIRST AMEND. L. REV. 222 (2021)
(with Margaret Kwoka & David Pozen) (transcript)
- Testa, Crain, and the Constitutional Right to Collateral Relief*, 72 FLA. L. REV. F. 10 (2021) (with Carlos M. Vázquez)
- Habeas and the Accumulation of Judicial Power*, 17 L. CULTURE & HUMAN. 35 (2021)
- Review of Immigration-Related U.S. Supreme Court Cases: Challenges, Ramifications, and What To Expect*,
44 N.Y.U. REV. L. & SOCIAL CHANGE 169 (2020) (with Engy Abdelkader, Lucas Guttentag, & Phil Torrey) (transcript)
- Unlawful Command Influence and the President's Quasi-Personal Capacity*, 96 TEX. L. REV. ONLINE 35 (2018)
- Book Review*, 132 POL. SCI. Q. 376 (2017) (reviewing ALLAN A. RYAN, THE 9/11 TERROR CASES:
CONSTITUTIONAL CHALLENGES IN THE WAR AGAINST AL QAEDA (2015))
- The Wars of the Judges*, 92 WASH. L. REV. ONLINE 1 (2017)
- Using the Supreme Court's Original Habeas Jurisdiction To "Ma[k]e" New Rules Retroactive*, 28 FED. SENT. REP. 225 (2016)
- Transcript, *Convicted Terrorists: Sentencing Considerations and Their Implications on Foreign Policy*,
8 J. NAT'L SEC. L. & POL'Y 347 (2016)
- The Exceptionalism of Foreign Relations Normalization*, 128 HARV. L. REV. F. 322 (2015)
- Transcript, *A New Paradigm of Leaking?*, 8 J. NAT'L SEC. L. & POL'Y 5 (2015)
- Big Data Before and After Snowden*, 7 J. NAT'L SEC. L. & POL'Y 333 (2014)
- Transcript, *Charting the Future: What to Expect from Big Data*, 7 J. NAT'L SEC. L. & POL'Y 341 (2014)
- Targeted Killing and Judicial Review*, 82 GEO. WASH. L. REV. ARGUENDO 11 (2014)
- Habeas, Due Process, and Extradition*, 98 CORNELL L. REV. ONLINE 20 (2013)
- Access to Counsel, Res Judicata, and the Future of Habeas at Guantánamo*, 161 U. PA. L. REV. PENNUMBRA 78 (2012)
- Douglas and the Fate of Ex Parte Young*, 122 YALE L.J. ONLINE 13 (2012)
- Book Review, *Democratic Competence, Constitutional Disorder, and the Freedom of the Press*, 87 WASH. L. REV. 529 (2012)
(reviewing ROBERT POST, A FIRST AMENDMENT JURISPRUDENCE FOR THE MODERN STATE:
DEMOCRACY, EXPERTISE, AND ACADEMIC FREEDOM (2012))
- States' Rights and State Standing*, 46 U. RICH. L. REV. 845 (2012)
- Insular Thinking About Habeas*, 97 IOWA L. REV. BULL. 16 (2012)
- Normalizing Guantánamo*, 48 AM. CRIM. L. REV. 1547 (2011)
- Bivens Remedies and the Myth of the "Heady Days,"* 8 U. ST. THOMAS L.J. 513 (2011)
- The Supreme Court, Original Habeas, and the Paradoxical Virtue of Obscurity*, 97 VA. L. REV. IN BRIEF 31 (2011)
- Why Klein Still Matters: Congressional Deception and the War on Terrorism*, 5 J. NAT'L SEC. L. & POL'Y 251 (2011)
- The Unreviewable Executive: Kiyemba, Maqaleh, and the Obama Administration*, 27 CONST. COMMENT. 603 (2010)
- State Sovereign Immunity and the Roberts Court*, 5 CHARLESTON L. REV. 99 (2010)
- Common-Law Habeas and the Separation of Powers*, 95 IOWA L. REV. BULL. 39 (2010)
- Foreword: National Security's Distortion Effects*, 32 W. NEW ENG. L. REV. 285 (2010)
- Terrorism and International Criminal Law After the Military Commissions Acts*, 8 SANTA CLARA J. INT'L L. 101 (2010)
- National Security and Bivens After Iqbal*, 14 LEWIS & CLARK L. REV. 255 (2010)
- The Problem of Jurisdictional Non-Precedent*, 44 TULSA L. REV. 587 (2009)
- Foreign Affairs Originalism in Youngstown's Shadow*, 53 ST. LOUIS U. L.J. 29 (2008)

- Re-Rethinking The Prize Cases: Some Remarks in Response to Professor Lee*, 53 ST. LOUIS U. L.J. 85 (2008)
- On Jurisdictional Elephants and Kangaroo Courts*, 103 NW. U. L. REV. COLLOQUY 172 (2008)
- The Espionage Act and National Security Whistleblowing After Garcetti*, 57 AM. U. L. REV. 1531 (2008)
- Foreword and Ten Questions*, 34 WM. MITCHELL L. REV. 5001, 5007 (2008)
- The Law Reviews vs. the Courts: Two Thoughts from the Ivory Tower*, 39 CONN. L. REV. CONNTEMPLATIONS 68 (2007)
- The Increasingly “Unflagging Obligation”: Federal Jurisdiction After Saudi Basic and Anna Nicole*, 42 TULSA L. REV. 553 (2007)
- Inchoate Liability and the Espionage Act: The Statutory Framework and the Freedom of the Press*,
1 HARV. L. & POL’Y REV. 219 (2007)
- Ludecke’s Lengthening Shadow: The Disturbing Prospect of War Without End*, 2 J. NAT’L SEC. L. & POL’Y 53 (2006)
- That’s So Six Months Ago: Challenges to Student Scholarship in the Age of Blogging*, 116 YALE L.J. POCKET PART 31 (2006)
- Book Notice*, 112 YALE L.J. 1305 (2003)
(reviewing THE REHNQUIST COURT: JUDICIAL ACTIVISM ON THE RIGHT (Herman Schwartz ed., 2002))
- Recent Publications*, *Eyewitness to a Genocide: The United Nations and Rwanda*, 28 YALE J. INT’L L. 281 (2003)
(reviewing MICHAEL BARRETT, EYEWITNESS TO A GENOCIDE: THE UNITED NATIONS AND RWANDA (2002))
- Recent Publications*, *International Criminal Law*, 27 YALE J. INT’L L. 243 (2002)
(reviewing KRIANGSAK KITTICHAISAREE, INTERNATIONAL CRIMINAL LAW (2001))

OTHER PUBLISHED PAPERS / PROJECTS

- U.S. Legal and Constitutional Perspectives on Independence*, in PETERSON INST. FOR INT’L ECON., CENTRAL BANK INDEPENDENCE
IN PRACTICE 36 (John H. Cochrane, Adam S. Posen, & David Wilcox, eds., 2025)
- The Chief Justice’s Ceremonial(ish) Inauguration Role*, JUDICATURE, Vol. 108, No. 3, at 88 (2025)
- The Interbellum Circuit Justices*, JOTWELL, Apr. 18, 2025 (reviewing ALISON L. LACROIX, THE INTERBELLUM CONSTITUTION:
UNION, COMMERCE, AND SLAVERY IN THE AGE OF FEDERALISMS (2024))
- Testing the Boundaries of Presidential Powers in Health*, 333 JAMA 1949 (2025) (w/ Lawrence O. Gostin & Lauren E. Bateman)
- The Docket Debate: Point/Counterpoint*, JUDICATURE, Vol. 108, No. 2, at 68 (2024) (with Hon. Trevor N. McFadden)
- The Supreme Court Decision on Firearm Ownership for People Subject to Restraining Orders*, 332 JAMA 527 (2024)
(with Lawrence O. Gostin)
- The Texas Business Court and the Texas Constitution*, THE ADVOCATE, Spring 2024, at 36
- An End Without Argument: The New Judicial Politics of Legal History*, JOTWELL, Dec. 1, 2023
(reviewing Andrea Scoseria Katz & Noah A. Rosenblum, *Removal Rehashed*, 136 HARV. L. REV. F. 404 (2023))
- COVID Mandates in the Supreme Courts of Texas and the United States*, THE ADVOCATE, Spring 2023, at 43
(with Hon. Wallace B. Jefferson and Robert Dubose)
- Purcell and the Terrible, Horrible, No Good, Very Bad Year*, JOTWELL, Sept. 26, 2022
(reviewing Wilfred U. Codrington III, *Purcell in Pandemic*, 96 N.Y.U. L. REV. 941 (2021))
- The Imperial Presidency’s Enablers*, FOREIGN AFF., Nov./Dec. 2021, at 195
- Hiding Behind Habeas’s Hardness*, JOTWELL, Oct. 6, 2021
(reviewing Jonathan R. Siegel, *Habeas, History, and Hermeneutics*, 64 ARIZ. L. REV. (forthcoming 2022))
- The Normalization of the Post-September 11 Regime*, TABLET, Jan. 11, 2021
- An In-Progress Look at the Texas Supreme Court’s COVID Response*, THE ADVOCATE, Winter 2020, at 23 (with Thomas R. Phillips)
- Bringing the Supreme Court Out of the Shadows*, JOTWELL, Nov. 26, 2020 (reviewing STEPHEN M. SHAPIRO, KENNETH S. GELLER,
TIMOTHY S. BISHOP, EDWARD A. HARTNETT, & DAN HIMMELFARB, SUPREME COURT PRACTICE (11th ed. 2019))
- The Center Cannot Hold*, JOTWELL, July 10, 2019 (reviewing EVAN THOMAS, FIRST: SANDRA DAY O’CONNOR (2019))
- Why Military Justice Doesn’t Get Enough Academic Attention*, JOTWELL, Aug. 14, 2018
(reviewing Rodrigo M. Caruço, *In Order to Form a More Perfect Court:
A Quantitative Measure of the Military’s Highest Court’s Success as a Last Resort*, 41 VT. L. REV. 71 (2016))

- What Abbasi Should Have Said*, JOTWELL, Aug. 15, 2017
(reviewing JAMES E. PFANDER, CONSTITUTIONAL TORTS AND THE WAR ON TERROR (2017))
- A Bivens Encomium—or Elegy*, LAWFARE BOOK REV., May 17, 2017
(reviewing JAMES E. PFANDER, CONSTITUTIONAL TORTS AND THE WAR ON TERROR (2017))
- AM. CONST. SOC’Y, ISSUE BRIEF, *THE BIVENS TERM: WHY THE SUPREME COURT SHOULD REINVIGORATE DAMAGES SUITS AGAINST FEDERAL OFFICERS* (2017)
- Bringing in the Jury*, JOTWELL, Oct. 24, 2016 (reviewing SUJA A. THOMAS, THE MISSING AMERICAN JURY: RESTORING THE FUNDAMENTAL CONSTITUTIONAL ROLE OF THE CRIMINAL, CIVIL, AND GRAND JURIES (2016))
- The Perils of State Standing, Revisited*, JOTWELL, Feb. 2, 2016
(reviewing Alexander M. Bickel, *The Voting Rights Cases*, 1966 SUP. CT. REV. 79)
- Hamdi v. Rumsfeld*, in 3 ENCYCLOPEDIA OF AMERICAN GOVERNANCE 4 (Stephen L. Schecter et al. eds., 2015)
- Treaty Power*, in 5 ENCYCLOPEDIA OF AMERICAN GOVERNANCE 207 (Stephen L. Schecter et al. eds., 2015)
- The Keepers of the Federal Courts Canon*, JOTWELL, Sept. 22, 2015 (reviewing RICHARD H. FALLON, JR. ET AL., HART & WECHSLER’S THE FEDERAL COURTS AND THE FEDERAL SYSTEM (7th ed. 2015))
- The Torture Report and the Accountability Gap*, GEO. J. INT’L AFF., Summer/Fall 2015, at 174
- Appealing to Injustice*, JOTWELL, Oct. 28, 2014 (reviewing WILLIAM M. RICHMAN & WILLIAM L. REYNOLDS, INJUSTICE ON APPEAL: THE UNITED STATES COURT OF APPEALS IN CRISIS (2013))
- THE CONSTITUTION PROJECT, *THE CASE FOR A FISA “SPECIAL ADVOCATE”* (2014)
- The National Security Courts We Already Have*, JOTWELL, Sept. 23, 2013 (reviewing ROBERT TIMOTHY REAGAN, FED. JUD. CTR., NATIONAL SECURITY CASE STUDIES: SPECIAL CASE-MANAGEMENT CHALLENGES (2013))
- Federal Crimes, State Courts, and Palmore*, JOTWELL, Oct. 26, 2012 (reviewing Michael G. Collins & Jonathan Remy Nash, *Prosecuting Federal Crimes in State Courts*, 97 VA. L. REV. 243 (2011))
- The Supreme Court, the War on Terrorism, and the Separation of Powers*, HUMAN RIGHTS, Winter 2011, at 13
- Judicial Specialization and the Functional Case for Non-Article III Courts*, JOTWELL, Nov. 4, 2011
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LEGISLATIVE / EXECUTIVE BRANCH TESTIMONY

- Impeachment: Holding Rogue Judges Accountable*, Hearing before the S. Comm. on the Judiciary, Subcomm. on Federal Courts, Oversight, Agency Action and Federal Rights, Jan. 7, 2026
- Rule by District Judges II: Exploring Legislative Solutions to the Bipartisan Problem of Universal Injunctions*, Hearing before the S. Comm. on the Judiciary, Apr. 2, 2025
- Reining in the Administrative State: Regulatory and Administrative Law Reform*, Hearing Before the H. Comm. on the Judiciary, Subcomm. on the Admin. State, Regulatory Reform, & Antitrust, Feb. 11, 2025
- HB19: Relating to the Creation of a Specialty Trial Court to Hear Certain Cases*, Hearing Before the Tex. H. Comm. on Judiciary and Civil Jurisprudence, Mar. 22, 2023
- Texas's Unconstitutional Abortion Ban and the Role of the Shadow Docket*, Hearing Before the S. Comm. on the Judiciary, Sept. 29, 2021
- Case Selection and Review at the Supreme Court*, Hearing Before the Presidential Comm'n on the Supreme Court of the United States, June 30, 2021
- The Supreme Court's Shadow Docket*, Hearing Before the H. Comm. on the Judiciary, Subcomm. on Courts, Intellectual Property, and the Internet, Feb. 18, 2021
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- Executive Order 12,333 and the Intelligence Activities Conducted Under It*, Hearing Before the Privacy & Civil Liberties Oversight Board, May 13, 2015
- Consideration of Recommendations for Change: The Surveillance Programs Operated Pursuant to Section 215 of the USA PATRIOT Act and Section 702 of the Foreign Intelligence Surveillance Act*, Hearing Before the Privacy & Civil Liberties Oversight Board, Nov. 4, 2013
- NSA Programs*, Hearing Before the H. Permanent Select Comm. on Intelligence, Oct. 29, 2013
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BAR ADMISSIONS

- New York (Third Judicial Department) (4/19/2006; Bar # 4407904)
- Supreme Court of the United States (5/26/2009; Bar # 271802)
- District of Columbia (7/10/2009; Bar # 988509)
- U.S. Court of Appeals for the Armed Forces (4/7/2017; Bar # 36839)
- Texas (3/22/2018; Bar # 24107443)
- U.S. Court of Appeals for the Second Circuit (5/9/2019)
- U.S. Court of Appeals for the District of Columbia Circuit (5/15/2019; Bar # 61721)
- U.S. Army Court of Criminal Appeals (2/13/2020)
- U.S. Air Force Court of Criminal Appeals (6/28/2021)
- U.S. Court of Appeals for the Fourth Circuit (3/21/2024)
- U.S. Court of Appeals for the Eleventh Circuit (5/6/2024)
- U.S. Court of Appeals for the Tenth Circuit (5/17/2024)
- U.S. Court of Appeals for the Fifth Circuit (9/2/2025)

MEMBERSHIPS / AFFILIATIONS

- Board of Trustees, Amherst College
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- Senior Editor, *Journal of National Security Law & Policy*
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- Member, Advisory Board, Electronic Privacy and Information Center
- Member, Board of Advisors, National Institute of Military Justice
- Member, Board of Academic Advisors, American Constitution Society
- Member, Book Award Committee, Order of the Coif
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