

Harold Hongju Koh

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Employment:

2013- Sterling Professor of International Law, Yale Law School (Procedure, Public and Private International Law, Human Rights, Law and U.S. Foreign Policy, Law and National Security, Brexit and the Law, International Business Transactions, Constitution and Foreign Affairs, International Trade, International Organizations, Law of Climate Change, International Law and Political Science)

2014- Nonresident Member, Blackstone Chambers, London

2009-13: Legal Adviser, U.S. Department of State (on leave as Martin R. Flug '55 Professor of International Law at Yale Law School) (awarded Secretary of State's Distinguished Service Award 2013); Head of Delegation for U.S. Government: U.N. Human Rights Council, Assembly of States Parties International Criminal Court (Kampala 2010)

2004-2009: Dean of Yale Law School & Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School

1998-2001: Assistant Secretary of State for Democracy, Human Rights and Labor United States Department of State; Commissioner, Commission for Security and Cooperation in Europe; U.S. Delegate or Head of Delegation to United Nations General Assembly (Third Committee), the United Nations Human Rights Commission, the Organization of American States, the Council of Europe, the Organization for Security and Cooperation in Europe, the U.N. Committee Against Torture, Inaugural Community of Democracies Meeting (Warsaw 2000); U.N. Conference on New and Restored Democracies (Cotonou, Benin 2000)

1993-2009: Gerard C. & Bernice Latrobe Smith Professor of International Law, Yale Law School

1998-2004: Director, Orville H. Schell Jr., Center for International Human Rights, Yale Law School

1990-93: Professor, Yale Law School

1985-90: Associate Professor, Yale Law School

1983-85: Attorney-Adviser, Office of Legal Counsel, United States Department of Justice

1982-83: Associate, Covington & Burling, Washington, DC

1981-82: Law Clerk to Hon. Harry A. Blackmun, Associate Justice, United States Supreme Court

1980-81: Law Clerk to Hon. Malcolm Richard Wilkey, Circuit Judge, United States Court of Appeals, D.C. Circuit

1979 Summer: Summer Associate, Covington & Burling, Washington, D.C.

1978 Summer: Research Assistant to Professor Arthur R. Miller, Harvard Law School

Visiting Positions:

2018-20 (Goodhart Professor of Visiting Legal Science and Fellow of Trinity College, Cambridge); 2016 (Hawaii); 2014, 2017 (NYU, NYU Abu Dhabi); 2013-4 (Columbia Law, Clarendon Law Lecturer Oxford), 2012 (Oliver Smithies Lecturer Oxford Law Faculty), Honorary Fellow, Magdalen College (2002-); 2002, 1990 (Toronto), 1996 (Visiting Fellow, All Souls College, and Waynflete Lecturer, Magdalen College, Oxford), 1993 (Hague Academy of International Law), 1982-85 (George Washington Law School), 1978-79 (Harvard Law -- Contracts and Civil Procedure Teaching Assistant)

Education:

1996: M.A. Oxford, Philosophy Politics & Economics

1980: Harvard Law School, J.D. cum laude; Developments Editor, *Harvard Law Review*; Tutor, Mather House, Harvard College

1977: Magdalen College, Oxford University, Honours B.A. in Philosophy, Politics & Economics with First Class Honours; Marshall Scholar; Magdalen College Underhill Exhibitioner; President, Magdalen College Middle Common Room

1975: Harvard College, Harvard University A.B. in Government, *Summa Cum Laude*; Phi Beta Kappa; Harvard National Scholar; Charles Bonaparte Scholar (Outstanding Junior Government Major); Harvard Club of Southern Connecticut Distinguished Senior; National Merit Scholar; State of Connecticut Scholar

Honorary Degrees (17)

2014: Quinnipiac Law School; University of Denver Sturm College of Law
 2012: American University School of Law
 2010: Wayne State University; Northeastern University
 2009: New School for Social Research
 2008: Iona College, Jewish Theological Seminary
 2005: University of Hartford, Widener School of Law
 2002: Skidmore College
 2001: Connecticut College
 2000: University of Connecticut; Dickinson College
 1999: Suffolk Law School; Albertus Magnus College
 1998: CUNY-Queens Law School
 1990: M.A., Yale University

Medals

2008: Western New England School of Law
 2004: Presidential Medal, Central Connecticut State College
 2000: Villanova Medal, Villanova Law School
 2000: Arthur J. Goldberg Award, Jacob Fuchsberg Law Center, Touro Law School Other Honors and

Awards

2015: Inaugural Public Service Award, Council on Korean Americans, Washington, DC
 2014: Frederick K. Cox Humanitarian Award for Advancing Global Justice, Case Western Reserve University Law School
 2013: Secretary of State's Distinguished Service Award; 2013 William Green Award for Professional Excellence, University of Richmond, Law School
 2010: Library of Congress George Wickersham Award for Outstanding Public Service
 2009: Yale Law School Medal of Merit
 2008: Judith Lee Stronach Human Rights Award, given for outstanding contribution to global justice by the Center for Justice and Accountability, San Francisco 7th Annual Sengbe Pieh Award, First and Summerfield United Methodist Church IRIS Human Rights Award
 2007: Green Bag Award for "exemplary writing in a long article" Green Bag Almanac and Reader (2007) 2007, 8, 9 Lawdragon 500 Leading Lawyers in America
 2007-08: Connecticut Bar Association Young Lawyers Section Diversity Award; Pacific Islander, Asian, and Native American (PANA) Distinguished Service Award
 2006: Philip Burton Award for Advocacy, Immigrant Legal Resource Center; Boston College 75th Anniversary Celebration Law School's Distinguished Service Award Asian American Bar Association of New York Award; The Asian American Law Students Association (Pace Law School) Award of Distinction; Connecticut Super Lawyer, Connecticut Magazine (International Law)
 2005: Louis B. Sohn Award, given by the International Law Section of the American Society of International Law for Lifetime Achievement in International Law; Equal Access to Justice Award, New Haven Legal Assistance; Allies for Justice Award ABA National Lesbian and Gay Law Association 100 Most Influential Asian Americans of the 1990s, A Magazine
 2002: Wolfgang Friedmann Award, given by Columbia Journal of Transnational Law "to an individual who has made outstanding contributions to the field of international law"; Connecticut Bar Association Distinguished Public Service Award; John Quincy Adams Freedom Award, Amistad America 2001: Korean American Coalition Public Service Award
 2000: Institute for Corean-American Studies Liberty Award 1999;
 1997: "Public Sector 45" (45 leading American Public Sector Lawyers Under the Age of 45), American Lawyer Magazine 1997: Named one of nation's leading Asian-American Educators, Avenue Asia Magazine Asian-American Lawyer of the Year, Asian-American Bar Association of New York; FACE (Facts About Cuban Exiles) Excellence Award

1995: Trial Lawyer of the Year Award, Trial Lawyers for Public Justice (co-recipient)
 1994: Cuban-American Bar Association; Political Asylum Immigration Representation Project; Asian-American Lawyers of Massachusetts; Haiti 2004; Korean-American Alliance
 1993: Asian Law Caucus; Asian-American Legal Defense & Education Fund, Justice in Action Award
 1992: Co-recipient, American Immigration Lawyers' Association Human Rights Award
 1991: Richard E. Neustadt Award, Presidency Research Section, American Political Science Association

Fellowships

Fellow, Jonathan Edwards College, Yale University (2013-)
 Honorary Member, Lincoln's Inn, London (2013-);
 Fellow, American Philosophical Society (2007-);
 Fellow, American Academy of Arts and Sciences (2000-);
 Guggenheim Fellow (1996-97);
 Twentieth Century Fund Fellow (1996-),
 Visiting Fellow, All Souls College, Oxford (1996-97);
 James Cooper Lifetime Fellow, Connecticut Bar Association (2006-)

Publications: Books and Monographs

Transnational Litigation in United States Courts (2008) (Foundation Press)

Transnational Business Problems (4th ed. 2008) (Foundation Press), with Detlev F. Vagts & William S. Dodge & Hannah Buxbaum

Foundations of International Law and Politics (with Oona A. Hathaway Oxford 2009)

The International Human Rights of Persons with Intellectual Disabilities: Different but Equal (Oxford University Press 2002) (with Stanley Herr and Lawrence Gostin, eds)

Deliberative Democracy and Human Rights (with Ronald C. Slye) (Yale University Press 1999) (translated into Spanish)

International Business Transactions in United States Courts, Recueil des Cours (Martinus Nijhoff 1998) (Monograph of Lectures in Private International Law at The Hague Academy of International Law)

Transnational Legal Problems (with Henry Steiner & Detlev Vagts) (Foundation Press 4th ed. 1994) and Documentary Supplement (1994)

The National Security Constitution: Sharing Power After the Iran-Contra Affair (Yale University Press 1990) (Winner, Richard E. Neustadt Award, awarded by the Presidency Research Section, American Political Science Association, to the best book published in 1990 that contributed most to research and scholarship on the American Presidency)

Justice Harry A. Blackmun Supreme Court Oral History Project, Federal Judicial Center/Supreme Court Historical Society (Editor 1996) (public release 2004)

Articles and Book Chapters

Triptych's End: A Better Approach to 21st Century International Lawmaking, 126 Yale L.J. Forum (2016-17), <http://www.yalelawjournal.org/forum/triptychs-end>

The Emerging Law of 21st Century War, 66 Emory L.J. 487 (2017).

"Global Tobacco Control as a Health and Human Rights Imperative," 57 Harv. Int'l L.J. 433 (2016)

"The Enduring Legacies of the Haitian Refugee Litigation," 61 N.Y.L.S. L. Rev. 155 (2016/17)

The War Powers and Humanitarian Intervention, 53 *Houston L. Rev.* 971 (2016)

“The Crime of Aggression: The United States Perspective” (with Todd F. Buchwald), in Claus Kress & Stefan Barriga, eds., *The Crime of Aggression: A Commentary* (Cambridge University Press 2016)

“‘Effective’ Policy in Syria: Ambassador Robert Ford’s View,” *Just Security Blog*, June 21, 2016, <https://www.justsecurity.org/31590/effective-policy-syria-ambassador-robert-fords-view/>

“Pain Versus Gain,” *Just Security Blog*, June 20, 2016, <https://www.justsecurity.org/31544/pain-gain/>

“Another Legal View of the Dissent Channel Cable on Syria,” *Just Security Blog*, June 20, 2016, <https://www.justsecurity.org/31571/legal-view-dissent-channel-cable-syria/>

“Michael Ratner: The Leading Progressive Lawyer of a Generation,” May 12, 2016, <https://www.justsecurity.org/31010/michael-ratner/>

“The Legal Adviser’s Duty to Explain,” 41 *Yale J. Int’l Law* 189 (2016)

“The People,” Interview with *HanYang Law Review*, 2015 *Han Yang L. Rev.* 97 (2015)

“The Legal Adviser’s Duty to Explain,” *The Role of Legal Advisers in International Law* (Andraz Zidar & Jean-Pierre Gauci eds. 2016)

Rapporteur’s Report, *Global Migration Crisis: Its Challenges to the United States, Europe and Global Order*, Richard C. Holbrooke Forum at the Brookings Institution, <http://www.americanacademy.de/home/program/past/global-migration-crisis-0>.

Reflections on the Law and Politics of the *Kosovo* Case, Chapter 18 in *The Law and Politics of the Kosovo Advisory Opinion* (M. Wood & M. Milanovic eds. 2015);

[Sunset and Supersede: Striking the Right Balance in the AUMF against ISIL](http://justsecurity.org/20570/sunset-supersede-striking-balance-authorization-military-force-aumf-isil/) <http://justsecurity.org/20570/sunset-supersede-striking-balance-authorization-military-force-aumf-isil/>, March 2, 2015

[The Torture Report is Only the First Step](http://foreignpolicy.com/2014/12/12/the-torture-report-is-only-the-first-step/) <http://foreignpolicy.com/2014/12/12/the-torture-report-is-only-the-first-step/> <http://justsecurity.org/18372/torture-report-step/>; December 12, 2014

[America’s “Unequivocal Yes” to the Torture Ban](http://justsecurity.org/17551/americas-unequivocal-yes-torture-ban/) <http://justsecurity.org/17551/americas-unequivocal-yes-torture-ban/> November 18, 2014

International Criminal Justice 5.0, 38 *Yale J. Int’l Law* 525 (2013)

The Case for International Law (with Michael Doyle), 92 *Foreign Affairs* 162 (2013)

In Memoriam, Detlev F. Vagts (1929-2013) (with William Dodge and Hannah Buxbaum), <http://opiniojuris.org/2013/08/23/in-memoriam-detlev-f-vagts-1929-2013/>

Restoring Justice: The Legacy of Edward H. Levi, *Bulletin of the American Academy of Arts and Sciences*, Winter 2014, at 26; available at https://www.amacad.org/multimedia/pdfs/publications/bulletin/winter2014/bulletin_Winter2014.pdf

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<http://yaleglobal.yale.edu/content/strike-syria-chemical-weapons-%25E2%2580%2593-not-illegal>

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<http://justsecurity.org/2014/01/20/potus-view-counts/> January 20, 2014

[Nelson Mandela, 1918-2013](http://justsecurity.org/2013/12/06/nelson-mandela-1918-2013/); <http://justsecurity.org/2013/12/06/nelson-mandela-1918-2013/> December 6, 2013.

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Mirjan Damaska: A Bridge Between Two Cultures, in Maximo Langer, et al., Festschrift for Mirjan Damaska (2008)

Sale v. Haitian Centers Council: Guantanamo and Refoulement (with Michael J. Wishnie), in Ford, Hurwitz & Satterthwaite, Human Rights Advocacy Stories (2000)

Repairing America's Human Rights Reputation, 40 Cornell Int'l L.J. 635 (2007)

Is there a "New" New Haven School of International Law? 32 Yale J. Int'l L. 559 (2007)

"Repair America's Human Rights Reputation"—op-ed appeared in the Summer 2007 issue of the Yale Law Report as part of a collection of op-eds written by Yale Law School faculty members

Filártiga v. Pena-Irala: Judicial Internalization of the Customary International Law Norm Against Torture in International Law Stories (Noyes, Dickinson & Janis, eds.; Law Stories Series, Foundation Press 2007)

Preface to Eugene Fidell, Beth Hillman & Dwight Sullivan, Military Justice: Cases and Materials (2007)

Preface to William J. Aceves, *The Anatomy of Torture: A Documentary History of Filártiga v. Peña-Irala* (2007)

The Future of Lou Henkin's Human Rights, Movement, 38 Col. H.Rts Rev. 487 (2007)

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In Memoriam: Robert F. Drinan, S.J. (1920-2007) 95 Georgetown Law Journal 1709 (2007)

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Why Transnational Law Matters, 24 Penn State Int'l L.Rev. 745 (2006)

The Healing Wisdom of Jay Katz, 6 Yale J. Health Policy, Law and Ethics 397 (Spring 2006)

Harry Andrew Blackmun, in *Yale Biographical Dictionary of American Law* (2007)

"The New Global Slave Trade," Displacement, Asylum, Migration 232 (Oxford Amnesty Lectures) (Kate Tunstall ed. 2006)

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Tribute to President Francis Daly Fergusson, upon her retirement from Vassar College, Vassar Quarterly, "Energy in the Executive"

"Can the President Be Torturer in Chief?," Ind. L. Rev. 81:1145 (winner 2007 Green Bag Award for "exemplary writing in a long article" Green Bag Almanac and Reader (2007)

"Mark Janis and the American Tradition of International Law," Conn. J. Int'l L.

"Captured by Guantanamo"

Choosing Heroes Carefully (Tribute to John Hart Ely), 57 Stan. L. Rev. 723 (2005)

"The Value of Process," in *Why Obey International Law?*, 10 Int'l Legal Theory 1 (2004)

"Standing Together," 15 Law & Sexuality, 15:1 "Internalization Through Socialization," Duke L.J. 54: 975 (2005)

"Commentary: A World Drowning in Guns," in *International Law and International Relations* 59-76 (Thomas Biersteker, Veronica Raffo, Peter Spiro and Chandra Sriram, eds Routledge 2006)

Preface to Jaya Ramji & Beth van Schaack, *Bringing the Khmer Rouge to Justice: Prosecuting Mass Violence Before the Cambodian Courts*

The Ninth Annual John W. Hager Lecture, The 2004 Term: The Supreme Court Meets International Law, *Tulsa Journal of Comparative & International Law* 12: 1 (2004)

"The Wolfgang Friedmann Lecture: A World Without Torture," *Columbia Journal of Transnational Law* (2005)

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Snatched in Sudan, Captive in Khartoum, *Times Higher Education Supplement*, Feb. 20, 2004

Advice to the Next High Commissioner, *Columbia Human Rights L. Rev.* 2003

Transnational Legal Process After September 11, 22 *Berkeley J. Int'l L.* (2004)

Rights to Remember, *Economist*, November 2003 at 24

American Diplomacy and the Death Penalty (with Thomas Pickering) 80 *Foreign Service Journal* 19 (October 2003)

"On America's Double Standard: The Good and Bad Faces of American Exceptionalism," *American Prospect* (October 2004)

"America's Jekyll and Hyde Exceptionalism," chapter in Michael Ignatieff, *American Exceptionalism and Human Rights* (Princeton University Press 2005)

On American Exceptionalism, 55 *Stan. L. Rev.* (2003) A World Drowning in Guns, 71 *Fordham L. Rev.* (2003)

Why the United States should ratify the Convention for the Elimination of Discrimination Against Women (CEDAW), 34 *Case W. Res. L. Rev.* 258 (2002)

Tribute to John Sexton, 60 *Annual Survey of American Law* (2003) (tribute to John Sexton)

A Tribute to Tom the Frank, 35 *NYU Journal Int'l L. & Pol.* (2003) (tribute to Thomas Franck)

The Law Under Stress After September 11, 31 *Int'l Legal Info.* 317 (2003)

International Human Rights of Persons with Mental Disabilities, 63 *Md. L. Rev.* 1 (2004)

Wrong on Rights, *Yaleglobal Online* (2004)

In Memoriam: Dean Eugene V. Rostow, *Yale Law Report* 16 (Summer 2003)

Paying "Decent Respect" to the World Opinion on the Death Penalty, 35 *U.C. Davis L. Rev.* 1085 (2002)

Paying Decent Respect to International Tribunal Rulings, 2002 *Proceedings of the American Society of International Law*

Against Military Tribunals, *Dissent Magazine* 58 (Fall 2002)

One Year Later, America Deserves Mixed Reviews, *Yale Daily News* (September 13, 2002)

A Better Way to Deal with Iraq, *Hartford Courant*, October 20, 2002

"Preserving Our Values: The Challenge At Home and Abroad," chapter 6 in *The Age of Terror: America and the World After September 11* at 143 (Strobe Talbott & Nayan Chanda, eds. Basic Books 2002) \

"The Spirit of the Laws," 43 *Harv. Int'l L.J.* 23 (2002)

"The 2001 Richard Childress Memorial Lecture: A United States Human Rights Policy for the 21st Century," 46 *St. Louis U. L. J.* 293 (2002) (special issue with nine commentators)

"The Case Against Military Commissions," 96 *Am. J. Int'l L.* 337 (April 2002)

"Transnational Legal Process Illuminated," in *Transnational Legal Processes: Globalisation and Power Disparities* 327 (Michael Likosky ed. Butterworths Press 2001)

"The Globalization of Freedom," 26 *Yale J. Int'l L.* 305 (2001)

"A Passion for Service," 45 *N.Y.L.S. L. Rev.* 17 (2001) (tribute to Harry Wellington)

"An Uncommon Lawyer," 42 *Harv. Int'l L.J.* 7 (2001) (tribute to Abram Chayes)

"We Have The Right Courts for Bin Laden," *N.Y. Times*, Nov. 23, 2001 at A39

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"The U.S. Can't Allow Justice to Be Another War Casualty," *The Los Angeles Times*; Dec. 17, 2001 at B11

"The Best Defense: Article I," *The Hartford Courant* (September 16, 2001)

"America the Pariah," *Project Syndicate* (August 2001) (op ed piece published in 20 foreign newspapers)

"Estados Unidos y Europa, divididos por la pena de muerte," *LA NACION* (Argentina) July 23, 2001

"A Dismal Record on Executing the Retarded," *New York Times* (June 14, 2001)

"A Wake Up Call on Human Rights" *Washington Post* (May 8, 2001)

"A Breakthrough in North Korea," *Washington Post* (November 2, 2000)

"Complementarity Between International Organisations on Human Rights/The Rise of Transnational Networks as the "Third Globalization," 21 *Human Rights Journal* 307 (2000)

"The Third Globalization: Transnational Human Rights Networks,"

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"The Right to Democracy," Introduction to the 1998 Human Rights Report, U.S. Dept. of State, *Country Reports on Human Rights Practices for 1998* at xv (vol.1) (1999)

"1998 Harris Lecture: How Is International Human Rights Law Enforced?" 74 *Indiana L. J.* 1397 (1999)

"1998 Frankel Lecture: Bringing International Law Home," 35 *Houston L. Rev.* 623 (1998)

"Is International Law Really State Law?," 111 *Harv. L. Rev.* 1824 (1998)

"Why Do Nations Obey International Law?," 106 *Yale L.J.* 2599 (1997)

- "Ten Lessons About Appellate Oral Argument," 71 Connecticut Bar Journal 218 (1997)
- "Congressional Protection of International Human Rights," 170 Fed. R. D. 285 (1997)
- "Book Review, Chayes & Chayes, *The New Sovereignty*," 91 American Journal of International Law 389 (1997)
- "War and Responsibility in the Dole/Gingrich Congress," 50 Miami L. Rev. 1 (1996)
- "Transnational Legal Process," 75 Neb. L. Rev. 181 (1996)
- "The Constitution," in *Encyclopedia of U.S. Foreign Relations* (Oxford University Press 1996)
- "A World Transformed," 20 Yale Journal of International Law vii (1995)
- "America's Offshore Refugee Camps," 29 Richmond L. Rev. 139 (Allen Chair 1994)
- "Refugees, The Courts, and the New World Order," 1994 Utah L. Rev. 999
- "The 'Haiti Paradigm' in United States Human Rights Policy," 103 Yale L.J. 2391 (1994)
- "Democracy and Human Rights in U.S. Foreign Policy?: Lessons from the Haitian Crisis," 48 SMU L. Rev. 189 (1994)
- "The Haitian Refugee Litigation: A Case Study in Transnational Public Law Litigation," 18 Md. J. Int'l L & Trade 1 (1994)
- "Reflections on Refoulement and Haitian Centers Council," 35 Harv. Int'l L.J. 1 (1994)
- "Who Are the Archetypal 'Good' Aliens?" 88 American Society of International Law Proc. 450 (1994)
- "Justice Blackmun and the 'World Out There'," 104 Yale L.J. 23 (1994)
- Broadening Access to International Law Resources Through New Technology," 89 American Society of International Law Proc. -- (1995)
- "Aliens in Our 'Beloved Community,'" Smithsonian Working Paper (1995)
- "One Step Forward, One Step Back," Miami Herald, May 4, 1995 A27
- Alliance for Justice, "First Monday," October 3, 1994 (video panel)
- "Terms for Assessment," Roundtable on Justice Blackmun, ABA Journal 52 (July 1994)
- "Justice Done," New York Times, Apr. 8, 1994, at A27 "The Justice Who Grew," 1994 J. S.Ct. Hist. 5 (1994)
- "DIANA: A Human Rights Data Base," 16 Human Rights Quarterly 753 (1994) (with N. Finke, T. Fitchett, and R. Slye)
- "Bitter Fruit of the Asian Immigration Cases," 6 Constitution 68 (1994) (reproduced in Cong. Record, Jan. 6, 1995 at S569)
- "Standing Up for Principle: A Personal Journey," 5 Korean and Korean-American Studies Bulletin 4 (1994)
- "A Tribute to Justice Harry A. Blackmun," 108 Harv. L. Rev. 20 (1994)

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"The New New International Economic Order," 87 American Society of International Law Proc. 259 (1994)

"Aliens and the Duty of Nonrefoulement: Haitian Centers Council, Inc. v. McNary," 6 Harvard Human Rights Journal 1 (1993) (with the Lowenstein Human Rights Clinic)

"The Role of the Courts in War Powers Cases," in Constitutional Government and Military Intervention After the Cold War (M. Halperin & G. Stern eds.) (Westview Press 1993)

"The President Versus the Senate in Treaty Interpretation: What's all the Fuss About?" 15 Yale Journal of International Law 331 (1990)

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"A History of the Fast Track Approval Mechanism," Chap. 1, A. Holmer & J. Bello, eds., The Legislative Fast Track: Its Illustrative Use for the U.S.-Canada Free Trade Agreement (Prentice Hall 1990)

"The Iran-Contra Affair," The Guide to American Law Yearbook 1990 (West 1990)

"The Human Face of the Haitian Interdiction Program," 33 Virginia Journal of International Law 483 (1993)

"Two Cheers for Feminist Procedure," 61 University of Cincinnati Law Review 1201 (1993)

"Protecting the Office of Legal Counsel from Itself," 15 Cardozo Law Review 1601 (1993)

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"We the People --and Congress-- Have Yet to Be Heard" (with Bruce Ackerman), L.A. Times (May 5, 1993)

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- "The War Powers Debate," *Ending the Cold War at Home* 41 (1992)
- "The Constitution and the Bill of Rights," *85 American Society of International Law Proc.* 199 (1991)
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- "Begging Bush's Pardon," *29 Hous. L. Rev.* 889 (1992)
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- "Transnational Public Law Litigation," *100 Yale L.J.* 2347 (1991)
- "The Constitutional Roles of Congress, the Executive and the Courts in the Conduct of U.S. Foreign Policy," (with K. Stith-Cabranes and S.Y. Koh) (Woodrow Wilson Center monograph) (Fall 1991)
- "The Coase Theorem and the War Power: A Response," *1991 Duke L.J.* 122(1991)
- "Presidential War and Congressional Consent: The Law Professors' Memorandum in *Dellums v. Bush*," *27 Stanford J. Int'l L.* 247 (1991)
- "Summary Remarks, Conference on The Dynamics of U.S.-Korea Trade Relations: Economic, Political, Legal and Cultural," (East Rock Press, 1991)
- "A Level Playing Field for Global Problems: Section 337 of the Tariff Act -- A Case Study," *Proceedings of the Eighth Annual Judicial Conference of the U.S. Court of Appeals for the Federal Circuit*, 133 F.R.D. 257 (1990)
- "The Liberal Constitutional Internationalism of Justice Douglas," *He Shall Not Pass This Way Again: The Legacy of Justice William O. Douglas* 297 (S. Wasby ed., U. of Pittsburgh Press 1990)
- "The Responsibility of the Importer State," Chapter 8, in G. Handl & R. Lutz, eds., *Transferring Hazardous Technologies and Substances: The International Legal Challenge* 171 (Graham & Trotman/Martinus Nijhoff 1989)
- "Don't Close the Books on Iran-Contra Mess," *New Haven Register* (May 13, 1990)
- "Graduation Address to Yale Law School," (May 1989), excerpted in S. Lee & M. Fox, *Learning Legal Skills* 207 (1991) and *Yale Law Report* 14 (Fall 1989)
- "What Congress Must Do To Reassert National Security Power," *First Principles* 5 (September 1988)
- "Why the President (Almost) Always Wins in Foreign Affairs: Lessons of the Iran-Contra Affair," *97 Yale Law Journal* 1255 (1988) (republished as Chapter 6 in *The Constitution and the Conduct of American Foreign Policy* (David Gray Adler & Larry N. George eds. 1996)
- "The Palestine Liberation Organization Mission Controversy," *82 American Society of International Law Proc.* 534 (1988)

"Four Dichotomies in American Trade Policy," in Symposium, American Trade Policy: Actors, Issues, and Options, Special Issue No. 1, Yale L. & Pol'y Rev. 4 (1988)

"Introduction," Focus: Foreign Affairs Under the Constitution, 13 Yale J. Int'l L. 1 (1988)

"Rebalancing the Medical Triad: Justice Blackmun's Contributions to Law and Medicine," 13 Am. J. L. & Med. 201 (1988)

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"A Legal Perspective," Chapter 5, in Perspectives On A U.S.-Canadian Free Trade Agreement (R. Stern, P. Trezise & J. Whalley, eds.) (Brookings Institution 1987) (based on 12 Yale J. Int'l L. 193 (1987)) "The Legal Markets of International Trade: A Perspective on the Proposed United States-Canada Free Trade Agreement," 12 Yale Journal of International Law 193 (1987)

"Civil Remedies for Uncivil Wrongs: Combatting Terrorism Through Transnational Public Law Litigation," 22 Texas Int'l.L.J. 169 (1987)

"Why the President (Almost) Always Wins in Foreign Affairs," 81 American Society of International Law Proc. 248 (1987)

Looking Beyond Achievement: After 'the Model Minority,' Then What?," 3 Korean And KoreanAmerican Studies Bulletin 15 (Fall/Winter 1987)

"Thoughts on Being a Korean-American Legal Academic," 1 Korean-American Journal 5 (May 1986)

"Asians in American Law", Yale Law Report 28 (Fall 1986)

Book Review, H. Steiner & D. Vagts, Transnational Legal Problems and D.Vagts, Transnational Business Problems, 20 Int'l.Law 1417 (1986)

"Judge Wilkey's Contributions to International Law and the Foreign Relations Law of the United States," 1985 B.Y.U. Law Rev. 647 (1985)

"Malcolm R. Wilkey: Jurist and Scholar," 19 Int'l Law. 1289 (1985)

"Congressional Controls on Presidential Trade Policymaking after INS v. Chadha," 18 N.Y.U.J.Int'l.L.& Pol. 1191 (1986)

"Equality with a Human Face: Justice Blackmun and the Equal Protection of Aliens," 8 Hamline Law Rev. 51 (1985)

Note, "The Constitutionality of Municipal Advocacy in Statewide Referendum Campaigns," 93 Harv.L.Rev. 535 (1980)

Case Comment, "Discovery from Media Defendants in Public Figure Defamation Actions: Herbert v. Lando," 93 Harv.L.Rev. 149 (1979)

Selected Congressional Testimony

Testimony before the Senate Judiciary Committee Subcommittee on the Constitution regarding Restoring the Rule of Law (September 16, 2008) Testimony before the House Foreign Relations Committee regarding "The 2006 Country Reports on Human Rights Practices and the Promotion of Human Rights in U.S. Foreign Policy" (March 29, 2007) Testimony before the Senate Committee on the Judiciary regarding "Hamdan v. Rumsfeld: Establishing a Constitutional Process" (July 11, 2006) Testimony before the Senate Committee on the Judiciary regarding "Wartime Executive Power and the National Security Agency's Surveillance Authority" (February 28, 2006) Testimony before the Senate Judiciary Committee regarding

“The Nomination of the Honorable Alberto R. Gonzales as Attorney General of the United States” (January 7, 2005) Testimony before the House Committee on International Relations regarding “A survey and analysis of supporting human rights and democracy: The U.S. record 2002–2003” (July 9, 2003) “United States Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women,” Hearing Before the U.S. Senate Foreign Relations Committee (June 13, 2002) “Human Rights in Turkey,” Hearing before the Commission on Security and Cooperation in Europe, Washington, DC (March 9, 2000). “Country Reports on Human Rights Conditions,” Testimony before the Subcommittee on International Operations and Human Rights, U.S. House of Representatives Washington, DC, (March 8, 2000). “The Global Problem of Trafficking in Persons: Breaking the Vicious Cycle,” Hearing Before the House Committee on International Relations (Sept. 14, 1999) “Human Rights at the End of the 20th Century,” Hearing before the Commission on Security and Cooperation in Europe; Washington, DC, (March 17, 1999). “Country Reports on Human Rights Conditions,” Testimony “Country Reports on Human Rights Conditions,” Testimony before the Subcommittee on International Operations and Human Rights, U.S. House of Representatives (March 3, 1999) “Human Rights in China,” Testimony International Operations and Human Rights, U.S. House of Representatives, Washington DC (January 20, 1999) “U.S. Policy Toward Haiti”: Hearing Before the Subcommittee on Western Hemisphere and Peace Corps Affairs of the Senate Committee on Foreign Relations, 103d Cong. 2d Sess. (Mar. 8, 1994) “The Nonrefoulement Reaffirmation Act of 1992,” House Foreign Affairs Committee (June 11, 1992) “U.S. Human Rights Policy Toward Haiti,” Hearing before Legislation and National Security Subcommittee; House Government Operations Committee, 102nd Cong., 2d Sess. 97 (April 9, 1992) “The Constitutional Roles of Congress and the President in Waging and Declaring War,” Senate Judiciary Committee (January 8, 1991) “Executive-Congressional Relations in a Multipolar World,” Hearings Before the Senate Foreign Relations Committee, 101st Cong., 2d Sess. 92 (Nov. 26, 1990) Testimony on H.R. 3665, the Official Accountability Act, before the House Judiciary Committee, Subcommittee on Criminal Justice, (June 15, 1988)

Selected Legal Activities:

Amicus Brief of National Security Officials, *IRAP v. Trump* (DMd. 2017); Amicus Brief of National Security Officials, *Darweesh v. Trump* (EDNY 2017); Expert Witness Declaration of National Security Officials, *Washington v. Trump* (9th Cir. 2017); Foreign and Comparative Law Scholars, *Hollingsworth v. Perry* (U.S. S. Court 2014); Counsel for *amicus curiae* U.S. diplomats in *Sanchez-Llamas v. Oregon*, 126 S. Ct. 2669 (2006); *Medellin v. Dretke*, 544 U.S. 660, 687 (2005) (cert. dismissed as improvidently granted); *Roper v. Simmons* 543 U.S. 551 (2005), *Atkins v. Virginia*, 122 S. Ct. 2242 (No. 00-8452 decided June 20, 2002), Co-author, Law Professors= Letter to Senate Judiciary Committee Regarding Military Commission, December 5, 2001, available at <http://www.yale.edu/lawweb/liman/letterleahy.pdf> Counsel for U.S. Diplomats Morton Abramowitz, et al, Amicus Curiae in *McCarver v. North Carolina*, No. 00-8727 (U.S. cert. Dismissed Sept. 25, 2001) (arguing that execution of those with mental retardation violates Eighth Amendment's cruel and unusual punishments clause); Consultant, United Nations High Commissioner on Refugees Global Consultations on reformation of the UN Refugee Convention, Cambridge University (Summer 2001); Co-founder (with Michael Ratner), Allard K. Lowenstein International Human Rights Clinic at Yale Law School (1991-) Counsel for respondents, *Royal Dutch Petroleum Co. v. Ken Wiwa*, et al., (U.S. S.Ct., No. 00-1168, cert. denied March 26, 2001) Of counsel and oralist for plaintiffs, *Cuban-American Bar Ass'n v. Christopher*, 43 F.3d 1413 (11th Cir. 1995) (For work done on this case, received 1994 Human Rights Award from Cuban-American Bar Ass'n) Lead counsel for plaintiffs, *Sale v. Haitian Centers Council, Inc.*, 113 S.Ct. 2549 (1993), 823 F.Supp. 1028 (E.D.N.Y. 1993), and 969 F.2d 1326 (2nd Cir. 1992) (For work done on this case, recognized by Haiti 2004, Korean-American Alliance, Political Asylum Immigration Representation Project and as co-recipient, 1993 Justice in Action Award, Asian-American Legal Defense and Education Fund; Co-recipient, 1992 Human Rights Award, American Immigration Lawyers' Association; Asian Law Caucus) Co-counsel for petitioners, *In re civilian population of Chiapas, Mexico and certain Members of the Ejercito Zapatista de Liberacion Nacional* (Inter-American Commission on Human Rights) (filed January 27, 1994); *In re Haitian population of Bahamas* Co-counsel for plaintiffs, *Doe v. Karadzic*, 70 F. 3d 232 (1995); 176 F.R.D. 458 (S.D.N.Y. 1997) (represented from filing of complaint until 1998, when withdrew from representation to join U.S. government; after a two-week jury trial in September 2000, a jury awarded plaintiffs approximately \$ 4.5 billion in compensatory and punitive damages); *Greenpeace, Inc. (U.S.A.) v. France*, 946 F. Supp. 773 (C.D. Cal. 1996); *Paul v. Avril*, 812 F. Supp. 207 (S.D. Fla. 1993) (\$41 million judgment awarded); *Todd v. Panjaitan*, No 92-12255WD (D. Mass. decided October 25, 1994) (\$14 million judgment awarded); *Xuncax v. Gramajo*, No.

91-11564WD (D.Mass., filed June 6, 1991); Ortiz v. Gramajo (D.Mass. 1992) (\$47.5 million judgment awarded); Doe v. Karadzic, 866 F. Supp. 734 (1994); No. 94-9035 (2d Cir. 1995); Balance v. FRAPH, No. 94-2619 (E.D.N.Y.) (Nickerson, J.) (For work done on Avril and Gramajo cases, named as co-recipient, 1995 Trial Lawyer of the Year Award, by the Trial Lawyers for Public Justice). Amicus Curiae, U.S. Supreme Court, Argentine Republic v. Amerada Hess (1990); United States v. Alvarez-Machain, (1992); Nelson v. Saudi Arabia, No. 91-522 (1993); Jaffe v. Snow, No. 93-241 (1993); Trajano v. Marcos, 978 F.2d 493, 499-500 (9th Cir. 1992), cert. denied, 113 S. Ct. 2960 (1993); No. 93-9133 Negewo v. Abebe-Jira, 11th Cir. 1995; Abebe-Jiri v. Negewo, No. 90-2010, Slip Op. at 7 (N.D. Ga. Aug. 20, 1993). Co-author (with ten other constitutional law scholars) of Memorandum Amicus Curiae of Law Professors in Ronald v. Dellums v. George Bush (D.D.C. 1990), reprinted in 27 Stanford Journal International Law 257 (1991); (with nine other constitutional law scholars) of Correspondence With Assistant Attorney General Walter Dellinger re Legality of United States Military Action in Haiti, reprinted in 89 American Journal International Law 127 (1995) Co-author (with David Cole and Jules Lobel), "Interpreting the Alien Tort Statute: Amicus Curiae Memorandum of International Law Scholars and Practitioners in Trajano v. Marcos," 12 Hastings Int'l & Comp. L. Rev. 1 (1988) (published Amicus Curiae Brief on behalf of nineteen international law scholars and practitioners in international human rights case). Co-author, Brief Amicus Curiae Urging Denial of Certiorari, Tel-Oren v. Libyan Arab Republic, reprinted in 24 I.L.M. 427 (1985) (as Justice Department Attorney) Litigation before Iran-U.S. Claims Tribunal, Case No. 55, Amoco Iran v. Islamic Republic of Iran (as Private Practitioner) Co-counsel for Iranian Hostages in Persinger v. Iran (D.C. Cir. 1982) and Cooke v. United States (Cl. Ct. 1982) (as Private Practitioner)

Selected International Litigation and Arbitration:

Counsel for Ukraine in *Case Concerning Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)* - Request for the Indication of Provisional Measures (argued March 6-9, 2017); Counsel for Chile, *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*, Preliminary Objections (9/27/2016); Counsel for Uruguay in *Phillip Morris Brands Sarl v. Oriental Republic of Uruguay*, ICSID Case No. ARB/10/7, Award (July 8, 2016); Counsel for United States of America in *Advisory Opinion on the Accordance with International Law of the Unilateral Declaration of Independence In Respect of Kosovo*, 2010 ICJ Rep. 403 (July 22, 2010); Counsel for the United States of America in *Grand River Enterprises Six Nations, Ltd. v. United States of America*, UNCITRAL, Final Award (Jan. 12, 2011); and Counsel for the United States of America in *Ecuador v. U.S.* (PCA 2012), Counsel for the United States of America in *Apotex* (ICSID 2010), Counsel for United States in *Case A(15)(2)(a)* (Iran U.S. Claims Tribunal 2012); Arbitrator, Binational Dispute Settlement Panel Convened Under Chapter 19 of the U.S.-Canada Free Trade Agreement, No. U.S.A.-93-1904-05, *In re Certain Flat-Rolled Carbon Steel Products from Canada* (Nov. 4, 1994); Counsel for the applicant in *Amoco Iran (Case 55)* (Iran-U.S. Claims Tribunal 1987); Counsel for U.S., *Nicaragua v. United States*, Provisional Measures, 1986 I.C.J. 14 (as U.S. Justice Department Attorney).

Selected Named Lectures:

Vacketta-DLA Piper Lecture, University of Illinois College of Law (2017); Dickey Lecture, Dartmouth College (2017); Raoul Wallenberg Lecture, McGill University (2016); Thrower Lecture, Emory Law School (2016), 2016 Max Soerenson Lecture, Aarhus, Denmark; Justice Stephen Breyer Lecture on International Law, Brookings Institution, 2016; Frankel Lecture, University of Houston Law Center (2015); Clarendon Law Lectures (Oxford 2014); Oliver Smithies Lectures, Balliol College, Oxford (2013); Inaugural Thomas Bingham Lecture, Bingham Centre, London 2013; Inaugural International Law Lecture, U.K. Foreign and Commonwealth Office, 2013; Sir George F. Turner Lecture, 2013, Faculty of Law, University of Melbourne; Benjamin Gupta Lecture, Oxford Human Rights Programme, 2013; 2013 George P. Smith Lecture, University of Indiana Maurer School of Law, 2013 Tamisiea Distinguished Lecture, University of Iowa College of Law; Ryan Lecture, Georgetown Law School 2011; Cecil Wright Lecture, University of Toronto School of Law (2002); Korematsu Lecture, New York University School of Law (2002); George Wythe Lecture, William and Mary College of Law (2002); Robert Levine Lecture, Fordham Law School (2002); Frank Strong Lecture, Ohio State University School of Law (2002); Barbara Harrell-Bond Lecture, Oxford University (2001); Edward Barrett Lecture, University of California at Davis School of Law (2001); Bruce Klatsky Lecture, Case Western Reserve University School of Law (2001); Richard Childress Lecture, St. Louis University School of Law (2001); Frankel Lecture, University of

Houston Law Center (1998); Harris Lecture, University of Indiana Law School (1998); Scuola Santa Anna (Pisa, Italy) (1997); Bartlett Lecture, Yale Divinity School (1997); Waynflete Lectures, Magdalen College, Oxford University (1996); Enrichment Lecturer, George Washington University National Law Center (1995); Scholar-in-Residence, Hofstra University (1995); Ralph Kharas Lecture, Syracuse University (1995); Mason Ladd Lecture, Florida State University (1995); 1995 Martin Luther King Lecture, Smithsonian Institution (1995); Roscoe Pound Lecture, University of Nebraska College of Law (1994); Emmanuel Emroch Lecture, University of Richmond Law School (1994); George Allen Distinguished Visiting Professor, University of Richmond Law School (1994); Roy R. Ray Lecture, Southern Methodist University School of Law (1994); William H. Leary Lecture, University of Utah Law School (1993); Convocation Lecturer, Duke Law School (1993); McGill Law School (1993); Gerber Lecture, University of Maryland (Baltimore) (1993).

Selected Commencement Addresses:

Yale Law School (1987, 1989, 2000, 2009), Skidmore College (2002); University of Connecticut School of Law (2000); Dickinson College (2000); Villanova Law School (2000); Touro College of Law (2000); Albertus Magnus College (1999); NYU Law School (1999); University of Maryland (Baltimore) School of Law (1995).

Boards: International Advisory Panel, National University of Singapore Law Faculty (2017); Secretary of State's Advisory Committee on Public International Law (1994-98, 2013-); Advisory Committee, Salzburg Global Seminar; Executive Committee, American Arbitration Association (2013-present); American Law Institute, Council (2013-); Brookings Institution Board of Directors (2004-); Connecticut Bar Foundation Board of Directors (2004- 05); Harvard University Overseer (2001-8); Visiting Committee, Harvard Law School (1996-2002); Visiting Committee, Harvard Kennedy School of Government (2007-); Visiting Committee, University of Toronto Faculty of Law (2004); Board of Directors, American Arbitration Association (2007-); Board of Directors, Human Rights in China (2002-5); Member of Council, American Law Institute (2006-); Counselor, American Society of International Law, Washington, DC (honorary post; 2008-); Thomas J. Dodd Research Center National Advisory Board (2001-); Board, National Democratic Institute (2001-); Board of Human Rights First (formerly Lawyers Committee for Human Rights) (2001-); Board of Human Rights in China (2001-); Board of International Campaign for Tibet (2001-); Human Rights Watch (1994-98); Hopkins School (1997-); Interights (1996-98); St. Thomas's Day School (1993-96); Connecticut Civil Liberties Union (1993-7); Initiative for Public Interest Law at Yale (Chair, 1988-90); East Rock Institute (Secretary); YLS Early Learning Center (Treasurer 1987-88).

Bars:

New York (1981); District of Columbia (1981); Connecticut (1985); U.S. Supreme Court (1985); U.S. Ct. App., Eleventh Circuit (1995); D.C. Circuit (1981); U.S. Dist. Ct., D.C. (1981); D. Conn. (1985); U.S. Claims Ct. (1983).