

## Harold Hongju Koh

Yale Law School P.O. Box 208215 New Haven, CT 06520 203 432 4932 harold.koh@yale.edu

### 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, International Business Transactions, Constitution and Foreign Affairs, International Trade, International Organizations, Law of Climate Change, International Law and Political Science, Brexit and the Law,)
- 2021: Senior Advisor in the Office of the Legal Adviser, U.S. Department of State from January to October 2021 (only Biden political appointee in that office)(on leave from Yale)
- 2009-13: Legal Adviser, U.S. Department of State (on leave from Yale) (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 (on leave from Yale); 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)
- 2004-09: Martin R. Flug '55 Professor of International Law, Yale Law School (on leave)
- 1993-2004: 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, U.S. Court of Appeals, D.C.Circuit
- 1978-79: Teaching Assistant in Contracts and Civil Procedure, Harvard Law School
- 1979: Summer Associate, Covington & Burling, Washington, D.C.
- 1978: Summer Research Assistant to Professor Arthur R. Miller, Harvard Law School

### Visiting Positions:

- 2021-22: George Eastman Visiting Professor at Law Faculty and Fellow, Balliol College Oxford
- 2019: Hague Academy of International Law, Keynote Lecture, Inaugural Winter Session
- 2018-19: Phi Beta Kappa Visiting Scholar at various U.S. colleges and universities
- 2018-19: Arthur Goodhart Professor of Visiting Legal Science and Fellow of Lauterpacht Centre for International Law and Trinity and Christ's Colleges, Cambridge)
- 2016: University of Hawaii School of Law
- 2014, 2017: NYU Law School, NYU Abu Dhabi
- 2014: Law Faculty, European University Institute, Florence Italy
- 2014: Clarendon Law Lecturer, Oxford Law Faculty
- 2013: Robert F. Drinan S.J. Visiting Professor of Human Rights, Georgetown Law School  
Distinguished Visitor, Columbia Law School
- 2012: Oliver Smithies Lecturer Oxford Law Faculty and Balliol College, Oxford
- 2002, 1990: University of Toronto Faculty of Law
- 1996: Visiting Fellow, All Souls College, and Waynflete Lecturer, Magdalen College, Oxford
- 1993: Hague Academy of International Law, Special Course in Private International Law
- 1982-85: Visiting Lecturer, George Washington Law School

### 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 (5)**

2009: Yale Law School Medal of Merit

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

### **Awards**

2018: Honoree (with Koh Family), National Immigrant Heritage Hall of Fame

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; William Green Award for Professional Excellence, University of Richmond, Law School

2010: Library of Congress George Wickersham Award for Outstanding Public Service

2008: Judith Lee Stronach Human Rights Award (given for outstanding contribution to global justice by the Center for Justice and Accountability, San Francisco); Sengbe Pieh Award, First and Summerfield United Methodist Church; IRIS Human Rights Award (for refugee advocacy)

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, Balliol College Oxford (2021-22)

Fellow, Bonavero Human Rights Institute Oxford (2021-22)

Fellow, Christ's College Cambridge (2019)

Visiting Fellow, Trinity College Cambridge (2018)

Fellow, Jonathan Edwards College, Yale University (2013-)

Honorary Bencher, Lincoln's Inn, London (2013-)

Fellow, American Philosophical Society (2007-)

Honorary Fellow, Magdalen College (2002-)

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-)

Fellow, Timothy Dwight College (1985-2000)

### **Publications:**

#### **Books and Monographs**

**The 21<sup>st</sup> Century National Security Constitution** (forthcoming Yale University Press 2024)

**American Schools of International Law, 410 Recueil des Cours** (Martinus Nijhoff 2020) (Monograph of Inaugural Keynote Lecture at first Winter Session at The Hague Academy of International Law (2019))

**The Trump Administration and International Law** (2019) (Oxford University Press)

**Transnational Business Problems** (6th ed. 2019) (Foundation Press), with Detlev F. Vagts & William S. Dodge & Hannah Buxbaum

**A Reader's Guide to the Twenty-Fifth Amendment** (2018), with Yale Law School Rule of Law Clinic.

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

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

**Justice Harry A. Blackmun Supreme Court Oral History Project**, Federal Judicial Center/Supreme Court Historical Society (Editor 1994-1996) (public release 2004)

**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**, 261 *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 M. Steiner & Detlev F. 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)

### Articles and Book Chapters

"Transnational Legal Process and the 'New' New Haven School of International Law," **International Legal Theory: Foundations and Frontiers**, Jeffrey Dunoff & Mark Pollack eds., forthcoming Cambridge 2022)

*The "Gants Principles" for Online Dispute Resolution, Realizing the Chief Justice's Vision for Courts in the Cloud*, 62 B.C. L. Rev. 2759 (2021)

*Could the President Unilaterally Terminate All International Agreements? Questioning Section 313*, in **The Restatement and Beyond: The Past, Present and Future of US Foreign Relations Law** (Paul Stephan & Sarah Cleveland, eds. Oxford 2020)

Trump Change: Unilateralism and the "Disruption Myth" in International Trade, Yale J. Int'l L. Online, [https://cpb-us-w2.wpmucdn.com/campuspress.yale.edu/dist/8/1581/files/2019/02/Koh\\_YJIL- Symposium\\_Trump-Change\\_02.05.19-2amriyq.pdf](https://cpb-us-w2.wpmucdn.com/campuspress.yale.edu/dist/8/1581/files/2019/02/Koh_YJIL- Symposium_Trump-Change_02.05.19-2amriyq.pdf)

Trump vs International Law, Who's Winning?, 2018 Aus.J.Int'l L. 1 (2018)

Presidential Power to Terminate International Agreements, 2018 YALE L.J. F. 128 (2018)

"Trump vs. International Law: He's Not Winning", *Opinio Juris* (October 2, 2018) <http://opiniojuris.org/2018/10/02/trump-vs-international-law-hes-not-winning/>

"Trump v. International Law: Who's Winning?", *Australian J. Int'l L.*, Vol. 24 (2018), p. 1.

Harold Hongju Koh, "Missile Strikes Against Syria: Against the Never-Never Rule", *Proceedings of the Annual Meeting of the American Society of International Law* (2017), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3125112](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3125112)

"The Trump Administration and International Law," 56 *Washburn L.J.* 413 (2017)

"Humanitarian Intervention: Time for Better Law", *Symposium on Unauthorized Military Interventions for the Public Good*, *AJIL Unbound* (2017), [https://www.researchgate.net/publication/320169019\\_Humanitarian\\_Intervention\\_Time\\_for\\_Better\\_Law](https://www.researchgate.net/publication/320169019_Humanitarian_Intervention_Time_for_Better_Law).

"State of Play and the Road Ahead: Humanizing Security," Chapter in Dapo Akande, et al., **Human Rights & 21<sup>st</sup> Century Challenges** (OUP 2017).

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

"The Emerging Law of 21<sup>st</sup> Century War," 66 *Emory L.J.* 487 (2017)

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

- “Global Tobacco Control as a Health and Human Rights Imperative,” 57 Harv. Int’l L.J. 433 (2016)
- 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)
- “The Legal Adviser’s Duty to Explain,” 41 Yale J. Int’l Law 189 (2016)
- “The Legal Adviser’s Duty to Explain,” **The Role of Legal Advisers in International Law** (Andraz Zidar & Jean-Pierre Gauci eds. 2016)
- “The People,” Interview with HanYang Law Review, 2015 Han Yang L. Rev. 97 (2015)
- “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)
- “The Crime of Aggression: The United States Perspective”, (with T. F. Buchwald), 109 Am. J. Int’l L. 257 (2015).
- “International Law in the Obama Administration,” Plenary Session, 2014 Proceedings of the American Society of International Law
- “The UN High Commissioner for Human Rights: from the personal to the institutional,” in **The United Nations High Commissioner for Human Rights : conscience for the world** (Felice D. Gaer & Christen L. Broecker eds, 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)
- “21st Century International Law Making,” 101 Georgetown L.J. 725 (2013)
- “Syria and the Law of Humanitarian Intervention, Parts I, II, III,” <http://justsecurity.org/2013/09/26/koh-syria/>; justsecurity.org
- REMARKS AT THE OXFORD UNION: HOW TO END THE FOREVER WAR? 14 (May 7, 2013), available at <http://opiniojuris.org/wp-content/uploads/2013-5-7-corrected-koh-oxford-union-speech-as-delivered.pdf>
- “International Law in Cyberspace: Remarks of Harold Koh,” 54 Harv. Int’l L.J. Online 1 (2012), available at [http://www.harvardilj.org/2012/12/online\\_54\\_koh](http://www.harvardilj.org/2012/12/online_54_koh)
- “The State Department Legal Adviser’s Office: Eight Decades in Peace and War,” 100 Georgetown L.J. 1747 (2012)
- “The Obama Administration and International Law,” Keynote Speech at the Annual Meeting of the American Society of International Law (Mar. 25, 2010), available at <https://2009-2017.state.gov/s/l/releases/remarks/139119.htm>
- “America and the World, 2020,” in **The Constitution in 2020** (R. Siegel & J. Balkin eds. 2009)
- “Commentary” in Michael W. Doyle, **Striking First: Preemption and Prevention in International Conflict** 99 (2008)
- “Human Rights and National Security,” in Mark Green, et al., eds, **Change for America: Progressive Blueprint for the Next Administration** (2008)

- “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)  
The Future of Lou Henkin’s Human Rights Movement, 38 Col. H.Rts Rev. 487 (2007)
- “The Bright Lights of Freedom,” NPR: THIS I BELIEVE, Jay Allison & Dan Gediman, eds., (New York: Henry Holt & Company, 2006) 141-143; paperback edition (2007)
- “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)
- “A World Drowning in Guns,” **International Law and International Relations: Bridging Theory and Practice**, Thomas J. Biersteker, Peter J. Spiro, Chandra Lekha Sriram, and Veronica Raffo, eds., (London: Routledge Press, 2006) 59
- “The New Global Slave Trade,” **Displacement, Asylum, Migration** 232 (Oxford Amnesty Lectures) (Kate Tunstall ed. 2006)
- “Unveiling Justice Blackmun,” 72 Brooklyn L. Rev. 9 (2006)
- “Setting the World Right,” 115 Yale L.J. 2350 (2006)
- “Why Transnational Law Matters,” 24 Penn State Int’l L.Rev. 745 (2006)
- “Keynote Address: A Community of Reason and Rights,” 77 Fordham L. Rev. 583 (2008)
- “A Law Unto Itself?,” Yale L.J.115 (The Pocket Part) (2006) <https://www.yalelawjournal.org/forum/a-law-unto-itself>.
- “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)
- “Standing Together,” 15 Law & Sexuality, 15:1 “Internalization Through Socialization,” Duke L.J. 54: 975 (2005)
- “The Wolfgang Friedmann Lecture: A World Without Torture,” Columbia Journal of Transnational Law (2005)
- “America's Jekyll and Hyde Exceptionalism,” chapter in Michael Ignatieff, **American Exceptionalism and Human Rights** (Princeton University Press 2005)
- “The Value of Process,” in *Why Obey International Law?*, 10 Int’l Legal Theory 1 (2004)
- “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)
- “International Law as Part of Our Law,” 98 Am. J. Int’l Law 43 (2004)
- “Separating Myth and Reality about Corporate Responsibility Litigation,” 7 J. Intl Econ. L. 263 (2004)
- “Transnational Legal Process After September 11,” 22 Berkeley J. Int’l L. (2004)
- “International Human Rights of Persons with Mental Disabilities,” 63 Md. L. Rev. 1 (2004)
- “Advice to the Next High Commissioner,” Columbia Human Rights L. Rev. 2003
- “American Diplomacy and the Death Penalty” (with Thomas Pickering) 80 Foreign Service Journal 19 (October 2003)

"On American Exceptionalism," 55 Stan. L. Rev. (2003)

"A World Drowning in Guns," 71 Fordham L. Rev. (2003)

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

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

"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)

"*Sale v. Haitian Centers Council: Guantanamo and Refoulement*" (with Michael J. Wishnie), in Ford, Hurwitz & Satterthwaite, **Human Rights Advocacy Stories** (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," Introduction to the 1999 Human Rights Report, U.S. Dept. of State, **Country Reports on Human Rights Practices for 1999** at xv (vol.1) (2000)

"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)
- Broadening Access to International Law Resources Through New Technology," 89 *American Society of International Law Proc.* (1995)
- "Bitter Fruit of the Asian Immigration Cases," 6 *Constitution* 68 (1994) (reproduced in *Cong. Record*, Jan. 6, 1995 at S569)
- "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)
- "DIANA: A Human Rights Data Base," 16 *Human Rights Quarterly* 753 (1994) (with N. Finke, T. Fitchett, and R. Slye)
- "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 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)
- "The War Powers Resolution," in **Cold War Patriot and Statesman: Richard M. Nixon** 321 (L. Friedman and W. Levantrosser, eds.) (Greenwood Press, 1993)
- Selections, **Encyclopedia of the American Presidency** (1993)
- "Reflections on **Kissinger**," *Constitution* (Winter 1993)



- "Against Specialization in The Teaching of International Law," *Contemporary International Law Issues: Sharing Pan-European and American Perspectives* 198 (1992)
- "The Fast Track and United States Trade Policy," 18 *Brooklyn J. Int'l L.* 143 (1992)
- "Dollar Diplomacy/Dollar Defense: The Fabric of Economics and National Security Law," 26 *International Lawyer* 715 (1992) (with JC Yoo)
- "Los regímenes de formulacion de politica comercial del Congreso y del Ejecutivo estadounidenses y su relacion con un posible acuerdo de libre comercio entre Canada, México y Estados Unidos," **México/Estado Unidos 1990** at 193 (G. Vega ed. 1992)
- "Begging Bush's Pardon," 29 *Hous. L. Rev.* 889 (1992)
- "The Constitution and the Bill of Rights," 85 *American Society of International Law Proc.* 199 (1991)
- "Transnational Public Law Litigation," 100 *Yale L.J.* 2347 (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)
- "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 War Powers Debate," **Ending the Cold War at Home** 41 (M.H. Halperin ed. 1990)
- "The President Versus the Senate in Treaty Interpretation: What's all the Fuss About?" 15 *Yale Journal of International Law* 331 (1990)
- "Reply to Book Reviews of **The National Security Constitution: Sharing Power After the Iran Contra Affair**," 15 *Yale Journal of International Law* 382 (1990)
- "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)
- "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)
- "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)

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

"The Treaty Power," 43 U. Miami L. Rev. 106 (1988)

"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 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)

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)

"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)

## **Prefaces**

Foreword, Richard Abel, **Law's Trials: The Performance of Legal Institutions in the U.S. War on Terror** (Cambridge University Press 2018)

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)

Preface to Jaya Ramji & Beth van Schaack, **Bringing the Khmer Rouge to Justice: Prosecuting Mass Violence Before the Cambodian Courts** (2004)

"Foreword," **Asian Americans and the Supreme Court: A Documentary History** ix (H.C. Kim ed.) (Greenwood Press 1992)

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

## **Opinion Pieces and Blogposts**

“International Law and the Russia-Ukraine Cybercrisis,” February 20, 2022 (with [Dapo Akande](#), [Antonio Coco](#), [Talita de Souza Dias](#), [Duncan B. Hollis](#), [James C. O’Brien](#) and [Tsvetelina van Benthem](#))

“The President’s Legal Authority to Commit Troops Domestically Under the Insurrection Act” (with M. Loughlin) 22 September 2020, American Constitution Society Issue Brief, <https://www.acslaw.org/analysis/issue-briefs/>

“Joining COVAX Could Save American Lives “ <https://foreignpolicy.com/2020/09/15/covax-vaccine-covid-19-trump-save-lives-equitable-distribution/>, September 15, 2020 (with [Eric A. Friedman](#), [Lawrence O. Gostin](#), [Matthew M. Kavanagh](#) and [John T. Monahan](#))

“The Second Oxford Statement on International Law Protections of the Healthcare Sector During Covid-19: Safeguarding Vaccine Research,” Just Security, August 11, 2020, <https://www.justsecurity.org/71952/the-second-oxford-statement-on-international-law-protections-of-the-healthcare-sector-during-covid-19-safeguarding-vaccine-research/> (with [Dapo Akande](#), [Antonio Coco](#), [Talita de Souza Dias](#), [Duncan B. Hollis](#), [James C. O’Brien](#) and [Tsvetelina van Benthem](#))

"Oxford Statement on International Law Protections Against Cyber Operations Targeting the Health Care Sector", Just Security (with [D. Akande](#), [D. Hollis](#), and [J. O’Brien](#)) (May 21, 2020), <https://www.justsecurity.org/70293/oxford-statement-on-the-international-law-protections-against-cyber-operations-targeting-the-health-care-sector/>

“Is Trump’s Assault on International Law Working?,” OUP Blog, March 11, 2019; <https://blog.oup.com/2019/03/trumps-international-law/>

“Trump v. International Law,” Yale Global Online, Feb. 15, 2019, <https://yaleglobal.yale.edu/content/trump-vs-international-law>

“The Twenty-Fifth Amendment,” Skullduggery Podcast, <https://finance.yahoo.com/video/skullduggery-tv-zucked-233352772.html>, Feb. 8, 2019

“Trump v. Hawaii, Korematsu’s Ghost and National Security Masquerades”, Scotusblog (June 28, 2018) <https://www.scotusblog.com/2018/06/symposium-trump-v-hawaii-korematsus-ghost-and-national-security-masquerades/> (also published in *Just Security*)

“International Law vs Donald Trump: A Reply,” <http://opiniojuris.org/2018/03/05/international-law-vs-donald-trump-a-reply/>, Opinio Juris, March 5, 2018 (conclusion of online symposium on Koh, *The Trump Administration and International Law*, Oxford University Press, September 2018)

“‘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/>

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>.

“Sunset and Supersede: Striking the Right Balance in the AUMF against ISIL,” <https://www.justsecurity.org/20570/sunset-supersede-striking-balance-authorization-military-force-aumf-isil/> March 2, 2015

“The Torture Report is Only the First Step, <https://foreignpolicy.com/2014/12/12/the-torture-report-is-only-the-first-step/> <https://www.justsecurity.org/18372/torture-report-step/>; December 12, 2014

“America’s ‘Unequivocal Yes’ to the Torture Ban,” <https://www.justsecurity.org/17551/americas-unequivocal-yes-torture-ban/> November 18, 2014

“Obama’s ISIL Legal Rollout: Bungled, Clearly. But Illegal? Really?”, JUST SECURITY, Sept. 29, 2014, 8:03 AM, <https://www.justsecurity.org/15692/obamas-isil-legal-rollout-bungled-clearly-illegal-really/>

"Ending the Forever War: One Year After President Obama’s NDU Speech", EJIL TALK! (May 24, 2014), <https://www.ejiltalk.org/ending-the-forever-war-one-year-after-president-obamas-ndu-speech/>

YLS *Sale* Symposium, “*Sale*’s Legacies,” <http://opiniojuris.org/2014/03/17/yls-sale-symposium-sales-legacies/>

“POTUS’ view on who counts as Al Qaeda”  
<https://www.justsecurity.org/5964/potus-view-counts/>

“Ending the Forever War: A Progress Report,” October 28, 2013, <http://justsecurity.org/2013/10/28/ending-war-progress-report>

“Strike on Syria for Chemical Weapons – Not Illegal,” YaleGlobal  
<https://yaleglobal.yale.edu/content/strike-syria-chemical-weapons-not-illegal>

“A Day in Court Denied,” The Washington Post, Monday, March 31, 2008 Page A19

“No Torture. No Exceptions,” The Washington Monthly, January/February/March 2008

“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

“Wrong on Rights,” YaleGlobal Online (2004)

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

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

“Rights to Remember,” Economist, November 2003 at 24

“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

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

Six Civil Rights Experts Weigh in on Sept. 11, Time.com, December 1, 2001

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

"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)
- "Aliens in Our 'Beloved Community,'" Smithsonian Working Paper (1995)
- "One Step Forward, One Step Back," Miami Herald, May 4, 1995 A27
- "Standing Up for Principle: A Personal Journey," 5 Korean and Korean-American Studies Bulletin 4 (1994)
- Closed Door Policy for Refugees," Legal Times 36 (July 26, 1993)
- "We the People --and Congress-- Have Yet to Be Heard" (with B. Ackerman), L.A. Times (May 5, 1993)
- Conversation/By Steve Kemper," Northeast Magazine, July 26, 1992
- "Good News, Bad News," Constitution 13 (Spring-Summer 1991)
- "Bush Honors the Law When It Pleases Him," Newsday (January 20, 1991)
- "Summary Remarks, Conference on The Dynamics of U.S.-Korea Trade Relations: Economic, Political, Legal and Cultural," (East Rock Press, 1991)
- "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)
- Looking Beyond Achievement: After 'the Model Minority,' Then What?," 3 Korean And Korean American 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)

### **Tributes**

- "Remembering Ralph" (with Scott Gilbert & Lawrence Tu), 62 BC L. Rev. 2684 (2021)
- "In Memory of Anthony P. Lester," Just Security, August 11, 2020, <https://www.justsecurity.org/71959/in-memory-of-anthony-p-lester/> (co-published with EJILTalk!)
- "Lea Brilmayer: How Contacts Count," **Resolving Conflicts in the Law** 20 (C. Georgetti & N. Klein eds 2019)
- "Michael Ratner: The Leading Progressive Lawyer of a Generation," May 12, 2016, <https://www.justsecurity.org/31010/michael-ratner/>
- Restoring Justice: The Legacy of Edward H. Levi, Bulletin of the American Academy of Arts and Sciences, Winter 2014, at 26; available at [http://www.amacad.org/sites/default/files/academy/multimedia/pdfs/publications/bulletin/winter2014/bulletin\\_Winter2014.pdf](http://www.amacad.org/sites/default/files/academy/multimedia/pdfs/publications/bulletin/winter2014/bulletin_Winter2014.pdf)
- 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/>

Nelson Mandela, 1918-2013; <https://www.justsecurity.org/4273/nelson-mandela-1918-2013/>

Tom Eagleton: True Senator, 52 St. Louis U. L Journal 25 (2008)

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

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

The Activist: Robert S. Drinan S.J., Stirring the Human Rights Revolution, BC Law Magazine 7 (Summer 2007) (tribute to Father Drinan)

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

Louis B. Sohn: Present at the Creation, 48 Harvard International Law Journal 13 (2006)

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

"Mark Janis and the American Tradition of International Law," 21 Conn. J. Int'l L. 191 (2006)

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

"Tribute to President Francis Daly Fergusson," upon her retirement from Vassar College, Vassar Quarterly, "Energy in the Executive" (2005)

"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)

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

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

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

"A Tribute to Justice Harry A. Blackmun," 108 Harv. L. Rev. 20 (1994)

"Terms for Assessment," Roundtable on Justice Blackmun, ABA Journal 52 (July 1994)

"Justice Done," New York Times, Apr. 8, 1994, at A27 (tribute to Justice Harry A. Blackmun)

"The Justice Who Grew," 1994 J. S.Ct. Hist. 5 (1994) (tribute to Justice Harry A. Blackmun)

Remarks at Proceedings Held on the Occasion of the Induction of Jose A. Cabranes As U.S. Circuit Judge, 2d Cir. (Sept. 26, 1994)

Remarks at Presentation of the Portrait of the Honorable Malcolm R. Wilkey, 992 F.2d lxxi (1993) (U.S. Ct. App. D.C. Dec 17, 1992)

"A Justice for Passion," 1990 Annual Survey of American Law (1991) (tribute to Justice Harry A. Blackmun)

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

**Selected Congressional Testimony:**

Testimony before the Senate Foreign Relations Committee Regarding Authorization for use of Military Force After Iraq and Afghanistan, May 21, 2014; Testimony before the Senate Foreign Relations Committee Regarding Use of Military Force in Libya, June 28, 2011; 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., 2nd 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:****Domestic Cases:**

**Co-founder (with Michael Wishnie, Phil Spector and Hope Metcalf) of Peter Gruber Rule of Law Clinic Yale Law School (2016-), (with Michael Wishnie) 9/11 Clinic Yale Law School (2001-09), and (with Michael Ratner), Allard K. Lowenstein International Human Rights Clinic at Yale Law School (1991-)**

Human Rights: Counsel for plaintiffs and amici curiae in numerous international human rights cases before United States courts, e.g., counsel of record to Haitian and Cuban refugees before the U.S. Supreme Court, see *Sale v. Haitian Centers Council*, 509 U.S. 155 (1993); 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) cert. denied, 515 U.S. 1142 (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) Foreign and Comparative Law Scholars, *Hollingsworth v. Perry* (U.S. S. Court 2014); 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, then 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); *Belance 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 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)

#### *Death Penalty:*

Counsel for former American diplomats or national security officials as *amici curiae* in *Medellin v. Texas*, 552 U.S. 491 (2008); *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), and *McCarver v. North Carolina* (No. 00-8727, cert. dismissed Sept. 25, 2001). Co-author, Law Professors Letter to Senate Judiciary Committee Regarding Military Commission, December 5, 2001, available <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)

National Security: Counsel for former American diplomats or national security officials as *amici curiae* in: see, e.g., Counsel of Record, Brief of Amici Curiae Former National Security Officials In Support Of Respondents *Trump v. Mazars & Trump v. Deutsche Bank AG* (No. 19-175 and 19-760 U.S. 2020), [https://law.yale.edu/sites/default/files/documents/pdf/Clinics/19-715\\_19-760sacmazarsformernationalsecurityofficials.pdf](https://law.yale.edu/sites/default/files/documents/pdf/Clinics/19-715_19-760sacmazarsformernationalsecurityofficials.pdf)

Signed Amicus brief of former Office of Legal Counsel Officials as Amici curiae in support of Respondents in *Trump v. Vance* (19-635 U.S. 2020), [https://www.supremecourt.gov/DocketPDF/19/19-635/134893/20200304104133763\\_Vance%2019-635%20-%20Brief%20-%20Final.pdf](https://www.supremecourt.gov/DocketPDF/19/19-635/134893/20200304104133763_Vance%2019-635%20-%20Brief%20-%20Final.pdf)

Counsel of Record, Amicus brief on behalf of former U.S. government officials for Yale Law School Peter Gruber Rule of Law Clinic in support of Respondents in *Trump v. Hawaii*, (U.S. 2018), and joint declarations of former national security officials in *Washington v. Trump* (WD Was 2018), *Hawaii v. Trump* (D. Haw. 2018) and *Pars Equality Center v. Trump* (D.D.C. 2018) (all challenging Travel Ban 3.0); Amicus Curiae Briefs for Yale Law School Rule of Law Clinic on behalf of 50 Former National Security Officials in *IRAP v. Trump* (Supreme Court 2017); *IRAP v. Trump* (4th Cir. 2017) & *Hawaii v. Trump* Brief (9th Cir. 2017), and joint declarations before assorted district courts (challenging Travel Ban 1.0, 2.0 & 3.0); Amicus Brief of National Security Officials, *IRAP v. Trump* (D.Md. 2017); Amicus Brief of National Security Officials, *Darweesh v. Trump* (EDNY 2017)

Counsel of Record, Amicus Brief on behalf of Former National Security Officials in Asylum Ban/ "Remain in Mexico" case, *Innovation Law Lab v. Trump* (9th Cir.) [https://law.yale.edu/sites/default/files/documents/pdf/news/rol\\_amicus\\_brief\\_062619.pdf](https://law.yale.edu/sites/default/files/documents/pdf/news/rol_amicus_brief_062619.pdf);

Counsel of Record on behalf of Former National Security Officials in *Stone v. Trump* (D.D.C. 2017) (challenging transgender ban)



Counsel of Record on behalf of Former National Security Officials in *Blumenthal v. Trump* in support of Plaintiffs' Memorandum in Opposition to Defendant's Motion to Dismiss (arguing for applicability of Foreign Emoluments Clause to President's private business dealings)

Counsel, Joint Declaration of Former U.S. Government Officials regarding Claimed National Emergency, Feb. 25, 2019, <https://www.cnn.com/2019/02/25/politics/read-former-senior-national-security-trump-national-emergency/index.html>

Counsel of Record, Amicus brief on behalf of Former National Security Officials in *Cockrum v. Donald Trump for President* (D.D.C. 2017) (amicus brief in support of neither party discussing Russian active measures)

Counsel of Record, Amicus brief on behalf of former U.S. government officials for Yale Law School Peter Gruber Rule of Law Clinic in support of Respondents in Supreme Court DACA case, *Department of Homeland Security v. Regents of the University of California* (Oct. 4, 2019) available at [https://law.yale.edu/sites/default/files/area/clinic/document/rolc\\_national\\_security\\_officials\\_amicus\\_brief.pdf](https://law.yale.edu/sites/default/files/area/clinic/document/rolc_national_security_officials_amicus_brief.pdf) described in <https://www.justsecurity.org/66462/51-former-senior-national-security-officials-to-supreme-court-rescinding-daca-was-arbitrary-and-capricious/>

Counsel, Brief of Former U.S. Government officials As Amici Curiae in Support of Plaintiffs-Appellees Cross-Appellants, *El Paso County, Texas v. Trump* (No. 19-17501 5<sup>th</sup> Circuit 2020), <https://protectdemocracy.org/resource-library/document/el-paso-county-v-trump-us-officials-amicus/>

Counsel for Ryan Goodman and JUST SECURITY in filing Request Under the Freedom of Information Act (FOIA) seeking troop numbers in Afghanistan, Iraq, and Syria <https://law.yale.edu/yls-today/news/rolc-files-foia-requests-seeking-troop-numbers-afghanistan-iraq-syria> and <https://www.theguardian.com/us-news/2020/apr/22/us-troop-levels-afghanistan-iraq-syria-military-foia>.

Counsel for former U.S. Senators Russ Feingold & Chuck Hagel, "Presidential Impeachment Trial: What A Senator Should Know," Dec. 5, 2019, <https://law.yale.edu/sites/default/files/area/clinic/document/impeachmenttrialmemo.pdf> Described in <https://law.yale.edu/yls-today/news/clinic-assists-former-us-senators-drafting-impeachment-trial-memorandum>

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)

Co-author (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)

#### *Environmental cases:*

Counsel of Record, Brief of Former U.S. Government Officials as Amici Curiae Supporting Affirmance of the District Court's Decision, *Rhode Island v. Shell Oil Products Co. LLC* (No. 19-1818 1<sup>st</sup> Cir. 2019), [http://blogs2.law.columbia.edu/climate-change-litigation/wp-content/uploads/sites/16/case-documents/2019/20191223\\_docket-19-1818\\_amicus-brief-1.pdf](http://blogs2.law.columbia.edu/climate-change-litigation/wp-content/uploads/sites/16/case-documents/2019/20191223_docket-19-1818_amicus-brief-1.pdf)

Counsel, Brief of Former U.S. Government Officials as Amici Curiae Supporting California in *United States v. California (2:19-cv-02142 E.D. Cal. 2020)* (California-Quebec Cap & Trade Litigation), <https://www.crowell.com/files/AmiciCuriaeBriefoffmrUSDiplomatsandGovtOfficials.pdf>

Counsel, Brief of Former U.S. Government officials as Amici Curiae on behalf of former U.S. diplomats in support of Baltimore in *Mayor and City Council of Baltimore v. BP P.L.C.*, no. 24-C-18-004219 (Circuit Court Baltimore County 2020), <http://climatecasechart.com/case/mayor-city-council-of-baltimore-v-bp-plc/>

Counsel of Record, Brief of Former U.S. Government Officials as Amici Curiae Supporting Reversal of the

District Court's Decision, in No. 18-16663, *City of Oakland v. BP p.l.c.* (9th Cir. March 20, 2019), see <https://law.yale.edu/studying-law-yale/clinical-and-experiential-learning/our-clinics/peter-gruber-rule-law-clinic>

Counsel, Brief of Conflict of Laws and Foreign Relations Scholars as *Amici Curiae* in support of Plaintiff-Appellant and Reversal of the District Court's Decision *City of New York v. BP P.L.C.*, No. 18-2188, Second Circuit, November 15, 2018

As State Department Legal Adviser, counsel to the United States before the U.S. Supreme Court in 18 cases between 2009-13: *Arizona v. U.S.*, *Abbott v. Abbott*, *Kingdom of Spain v. Cassirer*, *Samantar v. Yousuf*, *Rubin v. Islamic Republic of Iran*, *Placer Dome v. Provincial Government of Marinduque*, *City of NY v. Permanent Mission of India to the UN*, *Louisiana Safety Ass'n v. Certain Lloyds Underwriters*, *Holy See v. Doe*, *Faculty Senate of FIU v. Florida, EM Ltd. V. Argentina*, *Chafin v. Chafin*, *Bank Melli Iran NY v. Weinstein*, *Zivotofsky v. Clinton (Zivotofsky I)*, *Von Saher v. Norton Simon Museum*, *Venezuela v. DRFP LLC*, *Mohamad v. Palestinian Authority*, *Kiobel v. Royal Dutch Petroleum (Kiobel I)*

*Expert Witness:*

*CITGO Petroleum Corp. v. Ascot Underwriting Ltd.* (SDNY 2022)

*Merck & Co., Inc. et al. vs. ACE American Ins. Co., et al.* (NJ Super. Court 2020)

*Universal Cable Productions LLC et al v. Atlantic Specialty Insurance Co.* (C.D. Cal. 2019),

#### **Selected International Litigation, Arbitration, and Consultation:**

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 parties in international tribunals as Associated Member of the Blackstone Chambers, London (from 2014)**, including:

Counsel for Ukraine in *Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov, and Kerch Strait* (Ukraine v. Russian Federation) (PCA No. 2017-06 Preliminary Objections 21 February 2020)

Counsel for Ukraine in *Application of the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination* (Ukraine v. Russian Federation) (ICJ Provisional Measures (April 19, 2017); Preliminary Objections (8 November 2019); Merits (2022)

Counsel for Timor-Leste, Compulsory Conciliation with Australia regarding Maritime Bounday (Permanent Court of Arbitration 2018)

Counsel for Republic of Chile in *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)* (ICJ 1 October 2018)

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 the United States of America in *Grand River Enterprises Six Nations, Ltd. v. United States of America*, UNCITRAL, Final Award (Jan. 12, 2011).

Counsel for United States of America in *Advisory Opinion on the Accordance with International Law of the Unilateral Declaration of Independence by the Provisional Institutions of Self-Government Kosovo*, ICGJ 423 (ICJ 22 July 2010)

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)

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

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).

Consultant, United Nations High Commissioner on Refugees Global Consultations on reformation of the UN Refugee Convention, Cambridge University (Summer 2001)

Advisory Committee for Council on Foreign Relations Study on “Countering Sexual Violence in Conflict” (Jamille Bigio & Rachel Vogelstein eds. 2017)

Consultant for “Legal Report for the Inquiry on Protecting Children in Conflict” submitted to Special Representative for the Secretary General on Children in Armed Conflict and United Nations Special Envoy for Global Education Gordon Brown by Legal Panel headed by Shaheed Fatima, QC editor)

#### **Selected Named Lectures:**

2022 Louis Henkin Human Rights Lecture, University of Miami School of Law; 2020 Inaugural Ralph D. Gants Memorial Lecture, Center on the Legal Professor, Harvard Law School; 2020-19 Phi Beta Kappa Lectures in seven colleges or universities; 2019 Brand-Manatt Lecture, George Washington University School of Law; F.A. Mann Lecture, Lincoln’s Inn, London; David Caron Memorial Lecture, Center for Transnational Legal Studies, London; 2018 Sterry R. Waterman Lecture, Vermont Law School; Lady Margaret Lecture, Christ’s College Cambridge (2017); Robinson Lecture, University of California Irvine School of Law (2017); Handa Lecture, Stanford University (2017); Baldy Lecture, University of Buffalo School of Law (2017); 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, 1998); 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); 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), Quinnipiac Law School (2014);

University of Denver Sturm College of Law (2014); American University School of Law (2012); Wayne State University (2010); Northeastern University (2010); New School for Social Research (2009); Iona College (2008); Jewish Theological Seminary (2008); 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:** American Law Institute, Council (2006-09, 2013-); Foundation Press Board of Editors (1994-1998, 2001-2009, 2013-22); Counselor, American Law Institute, Restatement Fourth of the Foreign Relations Law of the United States (2014-19); 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; Brookings Institution Board of Directors (2004-09); 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 (2007-19); Visiting Committee, University of Toronto Faculty of Law (2004); Board of Directors, American Arbitration Association (2007-9, 2013-22); Board of Directors, Human Rights in China (2002-5); Counsellor, 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).

**February 22, 2022**