STEPHEN I. VLADECK

Georgetown University Law Center | 600 New Jersey Avenue, N.W. | McDonough Hall 490 | Washington, DC 20001
Phone: (202) 662-9313 | E-Mail: siv7@georgetown.edu | Web: https://www.law.georgetown.edu/faculty/stephen-i-vladeck/
Bluesky: @stevevladeck.bsky.social | Newsletter: ONE FIRST (https://www.stevevladeck.com)

EMPLOYMENT / FELLOWSHIPS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EDUCATION

YALE LAW SCHOOL, J.D., 2004

Awards: Potter Stewart Prize for Best Team Performance in Moot Court (Spring 2004)
Harlan Fiske Stone Prize for Outstanding Individual Moot Court Oralist (Spring 2004)

Activities: Executive Editor, YALE L.J.; Articles Editor, YALE J. INT'L L.; Submissions Editor, YALE HUM. RTS. & DEV. L.J.
Student Director, Balancing Civil Liberties & National Security Post-9/11 Litigation Project
Research Assistant & Teaching Assistant (Civil Procedure), Prof. Harold Hongju Koh
Teaching Assistant (Civil Procedure), Prof. Oona A. Hathaway

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

Thesis: LEIPZIG'S SHADOW: THE WAR CRIMES TRIALS OF THE FIRST WORLD WAR AND THEIR IMPLICATIONS FROM NUREMBERG TO THE PRESENT

Awards: NACDA / Sears Director's Cup National Postgraduate Scholarship (2001)
Alfred F. Havighurst Prize for Outstanding Senior History Major (2001)
Sphinx Spoon for Outstanding Dedication to Athletics (1999, 2000, 2001)
Samuel Bowles Prize for Excellence in Journalism (1999)

TEACHING AND RESEARCH INTERESTS

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

SELECTED PUBLICATIONS

THE COURT WE NEED: WHAT'S REALLY WRONG WITH THE SUPREME COURT—AND HOW TO FIX IT (Viking Press forthcoming 2027)

The Supreme Court, 2025 Term—Foreword: The Court Against the Courts, 140 HARV. L. REV. 1 (2026)

What's Really Wrong with the Supreme Court—and Why and How We Should Fix It, 68 WM. & MARY L. REV. (forthcoming 2026)

The Supreme Court's (Self-Defeating) Supremacy, 2025 SUP. CT. REV. 333 (2026)

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

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

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

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

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

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

Putting the "Shadow Docket" in Perspective, 17 HARV. L. & POL'Y REV. 289 (2023)

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

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

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

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

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

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

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

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

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

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

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

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

The Constitutional Right to Collateral Post-Conviction Review, 103 VA. L. REV. 905 (2017) (with Carlos M. Vázquez)

War and Justiciability, 49 SUFFOLK L. REV. 47 (2016)

The Demise of Merits-Based Adjudication in Post-9/11 National Security Litigation, 64 DRAKE L. REV. 1035 (2016)

Petty Offenses and Article III, 19 GREEN BAG 2D 67 (2015)

The FISA Court and Article III, 72 WASH. & LEE L. REV. 1161 (2015)

Military Courts and Article III, 103 GEO. L.J. 933 (2015)

Military Courts and the All Writs Act, 17 GREEN BAG 2D 191 (2014)

Terrorism Prosecutions and the Problem of Constitutional "Cross-Ruffing," 36 CARDOZO L. REV. 709 (2014)

Detention After the AUMF, 82 FORDHAM L. REV. 2189 (2014)

Standing and Secret Surveillance, 10 I/S: J.L. & POL'Y FOR INFO. SOC'Y 551 (2014)

After the AUMF, 5 HARV. NAT'L SEC. J. 115 (2014) (with Jennifer Daskal)

State Law, the Westfall Act, and the Nature of the Bivens *Question*, 161 U. PA. L. REV. 509 (2013) (with Carlos M. Vázquez)

Pendent Appellate Bootstrapping, 16 GREEN BAG 2D 199 (2013)

Eisentrager*'s (Forgotten) Merits: Military Commissions and Collateral Review*, *in* UNTOLD STORIES: HIDDEN HISTORIES OF WAR CRIMES TRIALS 193 (Kevin Heller & Gerry Simpson eds., Oxford Univ. Press 2013)

The Civilianization of Military Jurisdiction, *in* THE CONSTITUTION AND THE FUTURE OF CRIMINAL JUSTICE IN AMERICA 287 (John T. Parry & Song Richardson eds., Cambridge Univ. Press 2013)

Exceptional Courts and the Structure of American Military Justice, *in* GUANTÁNAMO AND BEYOND: EXCEPTIONAL COURTS AND MILITARY COMMISSIONS IN COMPARATIVE AND POLICY PERSPECTIVE 163 (Fionnuala D. Ní Aoláin & Oren Gross eds., Cambridge Univ. Press 2013)

The New National Security Canon, 61 AM. U. L. REV. 1295 (2012)

The Passive-Aggressive Virtues, 111 COLUM. L. REV. SIDEBAR 122 (2011)

The D.C. Circuit After Boumediene, 41 SETON HALL L. REV. 1451 (2011)

Book Review, *The New Habeas Revisionism*, 124 HARV. L. REV. 941 (2011) (reviewing PAUL D. HALLIDAY, HABEAS CORPUS: FROM ENGLAND TO EMPIRE (2010))

The Laws of War as a Constitutional Limit on Military Jurisdiction, 4 J. NAT'L SEC. L. & POL'Y 295 (2010)

Justice Jackson, the Memory of Internment, and the Rule of Law After the Bush Administration, *in* WHEN GOVERNMENTS BREAK THE LAW: THE RULE OF LAW AND THE PROSECUTION OF THE BUSH ADMINISTRATION 183 (Austin Sarat & Nasser Hussain eds., 2010)

Terrorism Trials and the Article III Courts After Abu Ali, 88 TEX. L. REV. 1501 (2010)

Boumediene*'s Quiet Theory: Access to Courts and the Separation of Powers*, 84 NOTRE DAME L. REV. 2107 (2009)

The Case Against National Security Courts, 45 WILLAMETTE L. REV. 505 (2009)

Book Review, *The Long War, the Federal Courts, and the Necessity / Legality Paradox*, 43 U. RICH. L. REV. 893 (2009) (reviewing BEN WITTES, LAW AND THE LON/G WAR: THE FUTURE OF JUSTICE IN THE AGE OF TERROR (2008))

AEDPA, Saucier*, and the Stronger Case for Rule-First Constitutional Adjudication*, 32 SEATTLE U. L. REV. 595 (2009)

The Riddle of the One-Way Ratchet: Habeas Corpus and the District of Columbia, 12 GREEN BAG 2D 71 (2008)

Habeas Corpus, Alternative Remedies, and the Myth of Swain v. Pressley, 13 ROGER WILLIAMS U. L. REV. 411 (2008)

The Suspension Clause as a Structural Right, 62 U. MIAMI L. REV. 275 (2008)

The Calling Forth Clause and the Domestic Commander-in-Chief, 29 CARDOZO L. REV. 1091 (2008)

The Field *Theory: Martial Law, the Suspension Power, and the Insurrection Act*, 80 TEMPLE L. REV. 391 (2007)

Enemy Aliens, Enemy Property, and Access to the Courts, 11 LEWIS & CLARK L. REV. 963 (2007)

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

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

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

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

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

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

ADDITIONAL BOOKS / BOOK CHAPTERS / ENCYCLOPEDIA ENTRIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ADDITIONAL LAW REVIEW PUBLICATIONS

The Impunitary Executive: Article II After Trump *v.* United States, 74 DRAKE L. REV. 267 (2025)

Scholarly Impact in the Age of Social Media, 19 L. CULTURE & HUMAN. 25 (2023)

Reforming the U.S. Supreme Court by Reforming Its Docket, 16 J. PARLIAMENTARY & POL. L. 7 (2022)

Classification and Access to National Security Information, 19 FIRST AMEND. L. REV. 222 (2021) (with Margaret Kwoka & David Pozen) (transcript)

Testa*, Crain, and the Constitutional Right to Collateral Relief*, 72 FLA. L. REV. F. 10 (2021) (with Carlos M. Vázquez)

Habeas and the Accumulation of Judicial Power, 17 L. CULTURE & HUMAN. 35 (2021)

Review of Immigration-Related U.S. Supreme Court Cases: Challenges, Ramifications, and What To Expect, 44 N.Y.U. REV. L. & SOCIAL CHANGE 169 (2020) (with Engy Abdelkader, Lucas Guttentag, & Phil Torrey) (transcript)

Unlawful Command Influence and the President's Quasi-Personal Capacity, 96 TEX. L. REV. ONLINE 35 (2018)

Book Review, 132 POL. SCI. Q. 376 (2017) (reviewing ALLAN A. RYAN, THE 9/11 TERROR CASES: CONSTITUTIONAL CHALLENGES IN THE WAR AGAINST AL QAEDA (2015))

The Wars of the Judges, 92 WASH. L. REV. ONLINE 1 (2017)

Using the Supreme Court's Original Habeas Jurisdiction To "Ma[k]e" New Rules Retroactive, 28 FED. SENT. REP. 225 (2016)

Transcript, *Convicted Terrorists: Sentencing Considerations and Their Implications on Foreign Policy*, 8 J. NAT'L SEC. L. & POL'Y 347 (2016)

The Exceptionalism of Foreign Relations Normalization, 128 HARV. L. REV. F. 322 (2015)

Transcript, *A New Paradigm of Leaking?*, 8 J. NAT'L SEC. L. & POL'Y 5 (2015)

Big Data Before and After Snowden, 7 J. NAT'L SEC. L. & POL'Y 333 (2014)

Transcript, *Charting the Future: What to Expect from Big Data*, 7 J. NAT'L SEC. L. & POL'Y 341 (2014)

Targeted Killing and Judicial Review, 82 GEO. WASH. L. REV. ARGUENDO 11 (2014)

Habeas, Due Process, and Extradition, 98 CORNELL L. REV. ONLINE 20 (2013)

Access to Counsel, Res Judicata, and the Future of Habeas at Guantánamo, 161 U. PA. L. REV. PENNUMBRA 78 (2012)

Douglas *and the Fate of Ex Parte* Young, 122 YALE L.J. ONLINE 13 (2012)

Book Review, *Democratic Competence, Constitutional Disorder, and the Freedom of the Press*, 87 WASH. L. REV. 529 (2012) (reviewing ROBERT POST, A FIRST AMENDMENT JURISPRUDENCE FOR THE MODERN STATE: DEMOCRACY, EXPERTISE, AND ACADEMIC FREEDOM (2012))

States' Rights and State Standing, 46 U. RICH. L. REV. 845 (2012)

Insular Thinking About Habeas, 97 IOWA L. REV. BULL. 16 (2012)

Normalizing Guantánamo, 48 AM. CRIM. L. REV. 1547 (2011)

Bivens *Remedies and the Myth of the "Heady Days,"* 8 U. ST. THOMAS L.J. 513 (2011)

The Supreme Court, Original Habeas, and the Paradoxical Virtue of Obscurity, 97 VA. L. REV. IN BRIEF 31 (2011)

Why Klein *Still Matters: Congressional Deception and the War on Terrorism*, 5 J. NAT'L SEC. L. & POL'Y 251 (2011)

The Unreviewable Executive: Kiyemba*,* Maqaleh*, and the Obama Administration*, 27 CONST. COMMENT. 603 (2010)

State Sovereign Immunity and the Roberts Court, 5 CHARLESTON L. REV. 99 (2010)

Common-Law Habeas and the Separation of Powers, 95 IOWA L. REV. BULL. 39 (2010)

Foreword: National Security's Distortion Effects, 32 W. NEW ENG. L. REV. 285 (2010)

Terrorism and International Criminal Law After the Military Commissions Acts, 8 SANTA CLARA J. INT'L L. 101 (2010)

National Security and Bivens *After* Iqbal, 14 LEWIS & CLARK L. REV. 255 (2010)

The Problem of Jurisdictional Non-Precedent, 44 TULSA L. REV. 587 (2009)

Foreign Affairs Originalism in Youngstown*'s Shadow*, 53 ST. LOUIS U. L.J. 29 (2008)

Re-Rethinking The Prize Cases*: Some Remarks in Response to Professor Lee*, 53 ST. LOUIS U. L.J. 85 (2008)

On Jurisdictional Elephants and Kangaroo Courts, 103 NW. U. L. REV. COLLOQUY 172 (2008)

The Espionage Act and National Security Whistleblowing After Garcetti, 57 AM. U. L. REV. 1531 (2008)

Foreword and *Ten Questions*, 34 WM. MITCHELL L. REV. 5001, 5007 (2008)

The Law Reviews vs. the Courts: Two Thoughts from the Ivory Tower, 39 CONN. L. REV. CONNTEMPLATIONS 68 (2007)

The Increasingly "Unflagging Obligation": Federal Jurisdiction After Saudi Basic *and Anna Nicole*, 42 TULSA L. REV. 553 (2007)

Inchoate Liability and the Espionage Act: The Statutory Framework and the Freedom of the Press, 1 HARV. L. & POL'Y REV. 219 (2007)

Ludecke*'s Lengthening Shadow: The Disturbing Prospect of War Without End*, 2 J. NAT'L SEC. L. & POL'Y 53 (2006)

That's So Six Months Ago: Challenges to Student Scholarship in the Age of Blogging, 116 YALE L.J. POCKET PART 31 (2006)

Book Notice, 112 YALE L.J. 1305 (2003)
(reviewing THE REHNQUIST COURT: JUDICIAL ACTIVISM ON THE RIGHT (Herman Schwartz ed., 2002))

Recent Publications, *Eyewitness to a Genocide: The United Nations and Rwanda*, 28 YALE J. INT'L L. 281 (2003)
(reviewing MICHAEL BARRETT, EYEWITNESS TO A GENOCIDE: THE UNITED NATIONS AND RWANDA (2002))

Recent Publications, *International Criminal Law*, 27 YALE J. INT'L L. 243 (2002)
(reviewing KRIANGSAK KITTICHAISAREE, INTERNATIONAL CRIMINAL LAW (2001))

OTHER PUBLISHED PAPERS / PROJECTS

The Trump Administration's Dangerous "War" Against District Judges, HUMAN RIGHTS, March 2026, at 2

U.S. Legal and Constitutional Perspectives on Independence, *in* PETERSON INST. FOR INT'L ECON., CENTRAL BANK INDEPENDENCE IN PRACTICE 36 (John H. Cochrane, Adam S. Posen, & David Wilcox, eds., 2025)

The Chief Justice's Ceremonial(ish) Inauguration Role, JUDICATURE, Vol. 108, No. 3, at 88 (2025)

The Interbellum Circuit Justices, JOTWELL, Apr. 18, 2025 (reviewing ALISON L. LACROIX, THE INTERBELLUM CONSTITUTION: UNION, COMMERCE, AND SLAVERY IN THE AGE OF FEDERALISMS (2024))

Testing the Boundaries of Presidential Powers in Health, 333 JAMA 1949 (2025) (w/ Lawrence O. Gostin & Lauren E. Bateman)

The Docket Debate: Point/Counterpoint, JUDICATURE, Vol. 108, No. 2, at 68 (2024) (with Hon. Trevor N. McFadden)

The Supreme Court Decision on Firearm Ownership for People Subject to Restraining Orders, 332 JAMA 527 (2024)
(with Lawrence O. Gostin)

The Texas Business Court and the Texas Constitution, THE ADVOCATE, Spring 2024, at 36

An End Without Argument: The New Judicial Politics of Legal History, JOTWELL, Dec. 1, 2023
(reviewing Andrea Scoseria Katz & Noah A. Rosenblum, *Removal Rehashed*, 136 HARV. L. REV. F. 404 (2023))

COVID Mandates in the Supreme Courts of Texas and the United States, THE ADVOCATE, Spring 2023, at 43
(with Hon. Wallace B. Jefferson and Robert Dubose)

Purcell *and the Terrible, Horrible, No Good, Very Bad Year*, JOTWELL, Sept. 26, 2022
(reviewing Wilfred U. Codrington III, Purcell *in Pandemic*, 96 N.Y.U. L. REV. 941 (2021))

The Imperial Presidency's Enablers, FOREIGN AFF., Nov./Dec. 2021, at 195

Hiding Behind Habeas's Hardness, JOTWELL, Oct. 6, 2021
(reviewing Jonathan R. Siegel, *Habeas, History, and Hermeneutics*, 64 ARIZ. L. REV. (forthcoming 2022))

The Normalization of the Post-September 11 Regime, TABLET, Jan. 11, 2021

An In-Progress Look at the Texas Supreme Court's COVID Response, THE ADVOCATE, Winter 2020, at 23 (with Thomas R. Phillips)

Bringing the Supreme Court Out of the Shadows, JOTWELL, Nov. 26, 2020 (reviewing STEPHEN M. SHAPIRO, KENNETH S. GELLER, TIMOTHY S. BISHOP, EDWARD A. HARTNETT, & DAN HIMMELFARB, SUPREME COURT PRACTICE (11th ed. 2019))

The Center Cannot Hold, JOTWELL, July 10, 2019 (reviewing EVAN THOMAS, FIRST: SANDRA DAY O'CONNOR (2019))

Why Military Justice Doesn't Get Enough Academic Attention, JOTWELL, Aug. 14, 2018
(reviewing Rodrigo M. Caruço, *In Order to Form a More Perfect Court: A Quantitative Measure of the Military's Highest Court's Success as a Last Resort*, 41 VT. L. REV. 71 (2016))

What Abbasi *Should Have Said*, JOTWELL, Aug. 15, 2017
(reviewing JAMES E. PFANDER, CONSTITUTIONAL TORTS AND THE WAR ON TERROR (2017))

A Bivens *Encomium—or Elegy*, LAWFARE BOOK REV., May 17, 2017
(reviewing JAMES E. PFANDER, CONSTITUTIONAL TORTS AND THE WAR ON TERROR (2017))

AM. CONST. SOC'Y, ISSUE BRIEF, THE *BIVENS* TERM: WHY THE SUPREME COURT SHOULD REINVIGORATE DAMAGES SUITS AGAINST FEDERAL OFFICERS (2017)

Bringing in the Jury, JOTWELL, Oct. 24, 2016 (reviewing SUJA A. THOMAS, THE MISSING AMERICAN JURY: RESTORING THE FUNDAMENTAL CONSTITUTIONAL ROLE OF THE CRIMINAL, CIVIL, AND GRAND JURIES (2016))

The Perils of State Standing, Revisited, JOTWELL, Feb. 2, 2016
(reviewing Alexander M. Bickel, *The Voting Rights Cases*, 1966 SUP. CT. REV. 79)

Hamdi v. *Rumsfeld*, *in* 3 ENCYCLOPEDIA OF AMERICAN GOVERNANCE 4 (Stephen L. Schecter et al. eds., 2015)

Treaty Power, *in* 5 ENCYCLOPEDIA OF AMERICAN GOVERNANCE 207 (Stephen L. Schecter et al. eds., 2015)

The Keepers of the Federal Courts Canon, JOTWELL, Sept. 22, 2015 (reviewing RICHARD H. FALLON, JR. ET AL., HART & WECHSLER'S THE FEDERAL COURTS AND THE FEDERAL SYSTEM (7th ed. 2015))

The Torture Report and the Accountability Gap, GEO. J. INT'L AFF., Summer/Fall 2015, at 174

Appealing to Injustice, JOTWELL, Oct. 28, 2014 (reviewing WILLIAM M. RICHMAN & WILLIAM L. REYNOLDS, INJUSTICE ON APPEAL: THE UNITED STATES COURT OF APPEALS IN CRISIS (2013))

THE CONSTITUTION PROJECT, THE CASE FOR A FISA "SPECIAL ADVOCATE" (2014)

The National Security Courts We Already Have, JOTWELL, Sept. 23, 2013 (reviewing ROBERT TIMOTHY REAGAN, FED. JUD. CTR., NATIONAL SECURITY CASE STUDIES: SPECIAL CASE-MANAGEMENT CHALLENGES (2013))

Federal Crimes, State Courts, and Palmore, JOTWELL, Oct. 26, 2012 (reviewing Michael G. Collins & Jonathan Remy Nash, *Prosecuting Federal Crimes in State Courts*, 97 VA. L. REV. 243 (2011))

The Supreme Court, the War on Terrorism, and the Separation of Powers, HUMAN RIGHTS, Winter 2011, at 13

Judicial Specialization and the Functional Case for Non-Article III Courts, JOTWELL, Nov. 4, 2011
(reviewing LAWRENCE BAUM, SPECIALIZING THE COURTS (2011))

Book Review, WASH. INDEP. REV. BOOKS, May 1, 2011
(reviewing DAVID K. SHIPLER, THE RIGHTS OF THE PEOPLE: HOW OUR SEARCH FOR SAFETY INVADES OUR LIBERTIES (2011))

Is "National Security Law" Inherently Paradoxical?, NAT'L SEC. L. BRIEF, Fall 2010, at 11

AM. CONST. SOC'Y, ISSUE BRIEF, TRYING TERRORISTS IN ARTICLE III COURTS: THE LESSONS OF *UNITED STATES* V. *ABU ALI* (2010)

THE CONSTITUTION PROJECT, PROSECUTE TERRORISM SUSPECTS, NOT THEIR LAWYERS (2010)

THE CONSTITUTION PROJECT, OPPOSING THE TERRORIST EXPATRIATION ACT (2010)

Military Jurisdiction, the Right Not To Be Tried, and the Suspension Clause After Boumediene, HUM. RTS. BRIEF, Fall 2008, at 6

Introductory Note to *Munaf v. Geren*, 128 S. Ct. 2207 (2008), 47 I.L.M. 705 (2008)

Reflecting on Boumediene*: The Substance of Habeas and the Futility of Exhaustion*, ABA NAT'L SEC. L. REP., June 2008, at 1

THE CONSTITUTION PROJECT, A CRITIQUE OF "NATIONAL SECURITY COURTS" (2008)

Habeas Corpus, U.S. Citizens, and Iraq, AM. JURIST, Apr. 2008, at 12

ABA STANDING COMM. ON LAW & NAT'L SEC., DUE PROCESS & TERRORISM: A WORKSHOP REPORT (2007)

The Statutory Framework, *in* GEOFFREY R. STONE ET AL., THE FIRST AMENDMENT CTR., FIRST REPORTS: GOVERNMENT SECRECY VS. FREEDOM OF THE PRESS 35 (2006)

Rights Without Remedies: The Newfound National Security Exception to Bivens, ABA NAT'L SEC. L. REP., July 2006, at 1

ELIZABETH BRUNDIGE ET AL., INDONESIAN HUMAN RIGHTS ABUSES IN WEST PAPUA: APPLICATION OF THE LAW OF GENOCIDE TO THE HISTORY OF INDONESIAN CONTROL (2003) (co-author)

FIONA DOHERTY ET AL., LAWYERS COMM. FOR HUMAN RIGHTS, A YEAR OF LOSS: REEXAMINING CIVIL LIBERTIES SINCE SEPT. 11 (2002) (co-author)

OP-EDS / POPULAR ESSAYS

The Supreme Court's Wrecking Ball, N.Y. TIMES, July 4, 2026, at A23 (with Kate Shaw and William Baude)

Trump Will Lose the Birthright Citizenship Case. But in a Way, He's Already Won, N.Y. TIMES, Apr. 3, 2026, at A24

Local Prosecution is the Answer to Federal Lawlessness, N.Y. TIMES, Jan. 26, 2026 (with Barry Friedman)

"The Justices Might Actually Have to Say No, Even to the President," N.Y. TIMES, Jan. 22, 2026 (with Kate Shaw and William Baude)

The Supreme Court is Overturning the 20th Century, N.Y. TIMES, Dec. 10, 2025, at A18 (with Kate Shaw and William Baude)

No, Trump Can't Order Troops to Wherever He Wants, N.Y. TIMES, Oct. 8, 2025, at A20

'Hypercharged' is the Only Word for this Supreme Court, N.Y. TIMES, Sept. 30, 2025 (with Kate Shaw and William Baude)

This Attack on a Federal Judge is Preposterous, N.Y. TIMES, Aug. 7, 2025, at A21 (with Hon. Nancy Gertner)

'There's Just Too Much Lawlessness': Three Legal Experts on an Embattled Supreme Court, N.Y. TIMES, July 3, 2025, at A19 (with Kate Shaw and William Baude)

The 'Modest' Ruling That Could Kneecap Our Legal System, N.Y. TIMES, May 17, 2025, at A19

What the Courts Can Still Do to Constrain Trump, THE ATLANTIC, Apr. 15, 2025

The Tom and Daisy Presidency, N.Y. TIMES, Mar. 22, 2025, at A20

Will the Supreme Court Stand Up to Trump? Can It?, N.Y. TIMES, Nov. 17, 2024, at SR4

This Supreme Court is its Own Worst Enemy, N.Y. TIMES, Oct. 7, 2024 (with Hon. Nancy Gertner)

The Loneliness of Amy Coney Barrett, N.Y. TIMES, July 8, 2024

The Fifth Circuit Won By Losing, THE ATLANTIC, July 7, 2024

The Two Fictions at the Heart of the Devastating Chevron Doctrine Ruling, MSNBC, July 3, 2024

The Most Aggressive Restructuring of Government in Almost 90 Years, CNN, July 2, 2024

The Supreme Court Should Have Known Better How its January 6 Ruling Would be Perceived, CNN, June 29, 2024

Why Clarence Thomas Led Supreme Court Majority in Upholding Consumer Protections, CNN, May 16, 2024

The Familiar Irony at the Bottom of Trump's Selective Prosecution Argument, MSNBC, May 4, 2024

In Trump's Immunity Case, John Roberts Has Quite a Mess in Front of Him, CNN, Apr. 26, 2024

Conservatives Game the System to Drag Supreme Court Further into Culture War, CNN, Apr. 1, 2024

A Crackdown on 'Judge Shopping' Provoked a Rather Telling Republican Reaction, MSNBC, Mar. 16, 2024

The Bump-Stocks Case is About Something Far Bigger Than Gun Regulations, THE ATLANTIC, Mar. 13, 2023

The Supreme Court Has a Different View of Emergencies Than We Do, CNN.com, Feb. 29, 2024

Why the Supreme Court is Playing Politics on Trump, CNN.com, Feb. 8, 2024

The Bad-Faith Argument Against Good-Faith Accountability for Trump, MSNBC, Feb. 7, 2024 (with Lee Kovarsky)

Why the Biden-Abbott Border Dispute is Such a Mess, N.Y. TIMES, Feb. 4, 2024, at SR4

Greg Abbott's Dangerous Misreading of the U.S. Constitution, HOUS. CHRON., Jan. 28, 2024, at A19

The Supreme Court's Big Trump Test is Here, N.Y. TIMES, Dec. 28, 2023, at A19

Gov. Greg Abbott's New Immigration Law Ignores the Obvious, MSNBC, Dec. 20, 2023

The Supreme Court is Too Dependent Upon Its 'Friends,' MSNBC, Dec. 9, 2023

Why the Fifth Circuit Keeps Making Such Outlandish Decisions, THE ATLANTIC, Nov. 28, 2023

The Supreme Court Code of Conduct Misses This Big Thing, CNN.com, Nov. 14, 2023

Don't Believe the Data: This is the Most Conservative Supreme Court We've Known, MSNBC, July 3, 2023

The Supreme Court's Voting Rights Act Ruling is No Victory for Democracy, WASH. POST, June 8, 2023 (with Melissa Murray)

Public Criticism Might be the Best Way To Reform the Supreme Court, N.Y. TIMES, May 24, 2023, at A23

What I Realized After Justice Alito Attacked Me for Critiquing the Shadow Docket, SLATE, May 24, 2023

What's Happening in the Supreme Court's Shadows is Shaping America, TIME, May 18, 2023

How Congress Could Rein in an Unchecked Supreme Court, CNN.com, May 16, 2023

The Nefarious Practice of Judge Shopping Has To End, MSNBC, May 8, 2023

How Texas is Trying To Rig the US Judicial System To Control Immigration Policy, THE HILL, Apr. 27, 2023 (with Max Wolson)

A Federal Judge Couldn't Handle My Criticism. So He Made Fun of My Tweets, SLATE, Mar. 29, 2023

The Legislature's Shameless and Unconstitutional Court-Packing Plan, AUSTIN AM.-STATESMAN, Mar. 19, 2023, at A9

Will Conservative Justices Ignore Their Own Limit on the Supreme Court's Power?, N.Y. TIMES, Mar. 13, 2023

Don't Let Republican 'Judge Shoppers' Thwart the Will of Voters, N.Y. TIMES, Feb. 8, 2023, at A18

Elon Musk's Basic Misunderstandings of Free Speech Are a Problem for All of Us, MSNBC DAILY, Dec. 11, 2022

The Judge Blocking Student Loan Relief for Millions is Wrong About the Law, CNN.com, Nov. 12, 2022

Team Trump Is Loving This 'Shadow Docket' Supreme Court Loophole, MSNBC DAILY, Oct. 28, 2022

Trump's Supreme Court Gambit Isn't Frivolous. Why It Will Likely Fail Anyway, MSNBC DAILY, Oct. 10, 2022

Everyone Involved in This Pro-Trump Brief Should Know Better — Including Ken Paxton, MSNBC DAILY, Sept. 27, 2022

The 'Shadow Docket' Further Erodes the Supreme Court's Legitimacy, CNN.com, Sept. 26, 2022

How Trump's Terrible Day Went from Bad to Worse, CNN.com, Sept. 22, 2022

If Trump Did 'Declassify' Records (He Didn't), It Would Be No Less Damning, WASH. POST, Sept. 4, 2022, at B3

Trump's FBI Tirade Reopens an Age-Old Debate About the Justice Department, MSNBC DAILY, Aug. 21, 2022

Why Cassidy Hutchinson's January 6 Testimony Can't Be Dismissed as 'Hearsay,' MSNBC DAILY, June 30, 2022

Eastman Bet on the Supreme Court to Intervene in the 2020 Election. It Was a Lie, MSNBC DAILY, June 17, 2022

The Battle That Preceded the Jan. 6 Attack on the Capitol, MSNBC DAILY, June 15, 2022

The Supreme Court is Handing Down Its Fewest Decisions in Decades. Here's What That Means, MSNBC DAILY, June 4, 2022

Buffalo Shooter's Twitch Video Presents a Test Case for Texas — and SCOTUS, MSNBC DAILY, May 17, 2022

The Supreme Court Leaks Are Transparent Political Plays, MSNBC DAILY, May 15, 2022

The Biggest Lie Conservative Defenders of Alito's Leaked Opinion Are Telling, SLATE, May 5, 2022 (with Leah Litman)

Supreme Court Leak Signals the Triumph of Politics Over the Law, WASH. POST, May 3, 2022
(with Barry Friedman and Dahlia Lithwick)

How a Trump-Appointed Judge Reignited a Major Debate Over Power in the Courts, MSNBC DAILY, Apr. 21, 2022

Roberts Has Lost Control of the Supreme Court, N.Y. TIMES, Apr. 17, 2022, at SR2

Lindsey Graham's Vote on Ketanji Brown Jackson is a Depressing Sign of the Times, MSNBC DAILY, Apr. 4, 2022

Texas' Attack on Tenure May Be Short-Lived. It's Still Ominous, MSNBC DAILY, Feb. 28, 2022

Brett Kavanaugh's Defense of the Shadow Docket Is Alarming, SLATE, Feb. 8, 2022

The Supreme Court's Alabama Travesty and Its Worn-Out 'Shadow Docket' Defense, MSNBC DAILY, Feb. 8, 2022

Republican Rep. Madison Cawthorn's North Carolina Re-Election Test Case, MSNBC DAILY, Jan. 15, 2022

Texas Judge's Covid Mandate Ruling Exposes Federal 'Judge-Shopping' Problem, MSNBC DAILY, Jan. 11, 2022

F.D.R.'s Court-Packing Plan Had Two Parts. We Need to Bring Back the Second, N.Y. TIMES, Jan. 7, 2022

The Supreme Court's Covid Vaccine Mandate Cases Are More Important Than You Think, MSNBC DAILY, Jan. 7, 2022

DOJ is Suing Texas Only Because the Voting Rights Act is Broken, MSNBC DAILY, Dec. 7, 2021

Steve Bannon's Indictment Reveals a Dangerous Congressional Dependency, MSNBC DAILY, Nov. 13, 2021

Why Many of the Supreme Court's Critics Are Trying to Save the Court from Itself, SLATE, Oct. 4, 2021

Texas's Abortion Law Puts the Constitution on the Line, MSNBC DAILY, Oct. 1, 2021

A Better Guide for How To Follow This SCOTUS Term, SLATE, Sept. 27, 2021 (with Dahlia Lithwick)

Trump's Election Lies Would Have Died Out Without Help from His Lackeys, MSNBC DAILY, Sept. 24, 2021

Texas Abortion Law Reveals the Limits of Our Constitutional Rights, MSNBC DAILY, Sept. 9, 2021

The Supreme Court Doesn't Just Abuse Its Shadow Docket; It Does So Inconsistently, WASH. POST, Sept. 3, 2021

The Supreme Court's 'Shadow Docket' Helped Trump 28 Times; Biden is 0 for 1, WASH. POST, Aug. 26, 2021

GOP Covid Vaccine Mandate Bans Are a Legal, Terrible Idea, MSNBC DAILY, Aug. 23, 2021

I Live in Texas, and I'm Really Angry, CNN.COM, Aug. 20, 2021

It Wasn't Just the Mob. Government Insiders Tried to Keep Trump in Power, Too, WASH. POST, Aug. 5, 2021

Texas Tries to Upend the Legal System With Its Abortion Law, N.Y. TIMES, July 22, 2021, at A20 (with Laurence H. Tribe)

Voting Restrictions Should Be Hard to Pass. If That Takes a Stunt, So Be It, WASH. POST, July 14, 2021

Kristi Noem's Immigration Policy: Send Privately Funded National Guard Troops to Texas, MSNBC DAILY, June 30, 2021

American Samoans are the Latest Victims of These Ignorant Supreme Court Rulings, MSNBC DAILY, June 18, 2021

Texas Republicans Clearly Didn't Read the Election Bill They Almost Passed, MSNBC DAILY, June 14, 2021

Why Michael Flynn's 'Coup' Comment Shouldn't Trigger a Court-Martial, MSNBC DAILY, June 3, 2021

How Trump Weaponized His Impeachment Acquittal, MSNBC DAILY, May 26, 2021

McGahn's Mueller Testimony is a Sad Consolation Prize for Congress, MSNBC DAILY, May 23, 2021

Florida Can't Use the Constitution to Shield Trump From Extradition, MSNBC DAILY, May 14, 2021

Republicans Say Court-Packing is 'Unconstitutional.' Here's Why They're Wrong, MSNBC DAILY, May 1, 2021

Trump Wanted Unlimited Power. Biden and Congress Can Ensure No President Gets It, MSNBC DAILY, Apr. 27, 2021

Why the GOP is so Adamantly Against D.C. Statehood, MSNBC DAILY, Apr. 21, 2021

The Supreme Court is Making New Law in the Shadows, N.Y. TIMES, Apr. 15, 2021

"Shadow Dockets" Are Normal. The Way SCOTUS Is Using Them Is the Problem, SLATE, Apr. 12, 2021

The Supreme Court Needs to Show Its Work, THE ATLANTIC, Mar. 10, 2021

Trump's Senate Impeachment Trial is a Referendum on Voters' Constitutional Responsibility, NBC NEWS THINK, Feb. 8, 2021

Why Trump Can Be Convicted Even as an Ex-President, N.Y. TIMES, Jan. 15, 2021, at A23

Republicans' Electoral College Objections Betray Conservative Legal Thought, NBC NEWS THINK, Jan. 6, 2021

17 States and Trump Join Texas's Lawsuit. It's Still a Doomed Supreme Court Stunt, NBC NEWS THINK, Dec. 9, 2020

Trump's Election 'Legal Challenges' Won't Change the Results; Can He Still Win By Losing?, NBC NEWS THINK, Nov. 13, 2020

Elections Don't Have to Be So Chaotic and Excruciating, N.Y. TIMES, Nov. 10, 2020, at A23

Supreme Court Election Ploy Unlikely to Change 2020's Electoral College Results, NBC NEWS THINK, Nov. 4, 2020

Trump's 2020 Threats are a Reminder that Election Day Is Not the End of the Election, NBC NEWS THINK, Nov. 3, 2020

Republicans Now Think Texas Courts Don't Decide Their Own Election Law, WASH. POST, Nov. 2, 2020

Trump and Pompeo's Disregard for the Hatch Act Is Business as Usual; That's the Problem, NBC NEWS THINK, Aug. 26, 2020

Why Are Senate Republicans Playing Dead?, N.Y. TIMES, Aug. 19, 2020

The Alarming Growth of the Supreme Court's "Shadow Docket," SLATE, Aug. 11, 2020

Running on Roberts, SLATE, Aug. 5, 2020 (with Dahlia Lithwick)

Are the Trump Administration's Actions in Portland Legal? Are They Constitutional?, WASH. POST, July 25, 2020

Under the Insurrection Act of 1807, Here's What a U.S. President Can and Cannot Do, WASH. POST, June 19, 2020

How the Supreme Court is Quietly Enabling Trump, N.Y. TIMES, June 18, 2020, at A23

Trump Sues Bolton Over New Impeachment Book, and It's (Mostly) Congress's Fault, NBC NEWS THINK, June 17, 2020

Trump's George Floyd Protest Threats Raise Legal Questions. Here's What He Can (and Can't) Do, NBC NEWS THINK, June 2, 2020

Congress Has a Second Chance to Fix FISA; Has It Learned Anything from Carter Page?, NBC NEWS THINK, May 14, 2020

Congress and Trump Could Both Be Losers at the Supreme Court This Week, WASH. POST, May 11, 2020

Trump Says He Can Adjourn Congress. He's Misreading the Constitution, WASH. POST, Apr. 16, 2020

Trump's Back-to-Work Dreams are a Coronavirus Nightmare; Good Thing He Can't Enforce Them, NBC NEWS THINK, Mar. 25, 2020

The Courts Don't Even Try to Settle Fights About War Powers Anymore, WASH. POST, Jan. 15, 2020

Republicans' Sixth Amendment Impeachment Objection Has Ominous Implications, NBC NEWS THINK, Nov. 15, 2019

Impeachment Does Not 'Overturn' an Election, N.Y. TIMES, Oct. 28, 2019

What Would Happen if Trump Ignored a Divided Supreme Court Ruling Against Him?, WASH. POST, Oct. 14, 2019

The Ukraine Whistleblower Scandal Sets a Dangerous DOJ Legal Precedent, NBC NEWS THINK, Sept. 27, 2019

Why the Whistle-Blowing Process is Breaking Down, N.Y. TIMES, Sept. 20, 2019

The Perception of the Court Matters, WASH. POST, June 19, 2019, at A19 (with Leah Litman & Joshua Matz)

The White House's Defense of Kellyanne Conway's Hatch Act Violations is Fooling No One, NBC NEWS THINK, June 14, 2019

The Assange Indictment is a Referendum on the Constitution, NBC NEWS THINK, May 24, 2019

Congress Should End a 'Harsh and Unfair' Rule That Blocks Troops from Court, N.Y. TIMES, May 22, 2019, at A21

Yes, Trump Can Invoke the Insurrection Act to Deport Immigrants, THE ATLANTIC, May 17, 2019

Trump is Fighting Congress—and Defying the Founders, WASH. POST, Apr. 28, 2019, at B3

Confusing Political Conclusions About Impeachment With Legal Ones, NBC NEWS THINK, Apr. 23, 2019

Why Does the Supreme Court Have Nine Justices? And Why Can't Democrats Add More?, NBC NEWS THINK, Apr. 10, 2019

Trump Is Abusing His Authority to Name "Acting Secretaries." Here's How Congress Can Stop Him, SLATE, Apr. 9, 2019

It's Neil Gorsuch's Supreme Court Now, Not Anthony Kennedy's, POLITICO, Apr. 2, 2019

Why William Barr Should Resign in Protest Over Trump's Obamacare Move, CNN.com, Mar. 29, 2019

Second-Class Justice in the Military, N.Y. TIMES, Mar. 20, 2019 (with Eugene R. Fidell)

The Border Wall 'National Emergency' is a Symptom of America's Diseased Separation of Powers, NBC NEWS THINK, Mar. 15, 2019

Mueller Report and Trump-Russia Investigation Should Push Congress To Protect Future Special Counsels, NBC NEWS THINK, Mar. 3, 2019

Trump's Attacks on the First Amendment and the Press Gain an Ally in Supreme Court Justice Clarence Thomas, NBC NEWS THINK, Feb. 20, 2019

Will Trump Use a National Emergency to End the Shutdown? Either Way, Congress Must Revisit the National Emergencies Act, NBC NEWS THINK, Jan. 24, 2019

Trump and the Democrats Are Primed To Fight, But 2019's Legal Battles May Prove Just as Explosive, NBC NEWS THINK, Jan. 11, 2019

Whitaker May Be a Bad Choice, But He's a Legal One, N.Y. TIMES, Nov. 9, 2018

Trump Wants to Stop Mueller; Jeff Sessions' Resignation and Matthew Whitaker's Promotion Help Make This Possible, NBC NEWS THINK, Nov. 8, 2018

What Would Happen if Trump Resists an Investigation By the Democratic House?, WASH. POST, Nov. 7, 2018

Trump's Plan to End Birthright Citizenship Via Executive Order is as Unconstitutional as it is Transparent, NBC NEWS THINK, Oct. 30, 2018

The Debate Over Senate Representation Ignores a Much More Plausible Reform, NBC NEWS THINK, Oct. 15, 2018

Congress's Reluctance to Limit Trump's War Powers is a Dangerous Bipartisan Failure 17 Years in the Making, NBC NEWS THINK, Oct. 10, 2018

Rod Rosenstein Can Be Impeached, But the Current Attempt is About Dirty Politics, Not Oversight, NBC NEWS THINK, July 26, 2018

Trump's Criticism of the Carter Page FISA Warrant Is Wrong; That Doesn't Mean the FISA Process Is Right, NBC NEWS THINK, July 24, 2018

Where Kavanaugh and Kennedy Differ, WASH. POST, July 12, 2018, at A13

Independence Day is a Reminder that America Is More Than Our Constitutional Parts, NBC NEWS THINK, July 4, 2018

Border Patrol Agents Must Be Held Accountable, SLATE, June 24, 2018

Will the Rule of Law Apply Along the Border?, N.Y. TIMES, June 12, 2018

Presidents Aren't Kings. Someone Should Tell Trump's Legal Team, WASH. POST, June 4, 2018

Trump's Dinesh D'Souza Pardon is Legal; His Willingness to Subvert the Process is Dangerous, NBC NEWS THINK, May 31, 2018

Gina Haspel's Confirmation and the Senate's Depressing Indifference to the History of CIA Torture, NBC NEWS THINK, May 17, 2018

Trump Tweeted That He Can Fire Anyone; Here's What the Law Actually Says, NBC NEWS THINK, May 3, 2018

The Supreme Court's Muslim Travel Ban Case and the Power of the Judiciary in the Age of Trump, NBC NEWS THINK, Apr. 24, 2018

All of the Ways Trump Could Try To Fire Mueller—And the One Way Congress Could Stop Him, NBC NEWS THINK, Apr. 11, 2018

The White House Doctor and the Dual-Officeholding Ban, THE ATLANTIC, Mar. 29, 2018

How Calls for a Second Amendment Repeal Could Backfire For Gun Control Advocates, NBC NEWS THINK, Mar. 27, 2018

Our Increasingly Unenforceable Constitution, N.Y. TIMES, Mar. 27, 2018

The Legal Implications of Sam Nunberg's 15 Minutes of Fame, NBC NEWS THINK, Mar. 6, 2018

Americans Have Forgotten What 'Treason' Really Means—And How It Can Be Abused, NBC NEWS THINK, Feb. 16, 2018

Rachel Brand's Resignation and the Mueller Investigation, NBC NEWS THINK, Feb. 10, 2018

Nunes Memo Leaves FBI Director Christopher Wray No Choice, NBC NEWS THINK, Feb. 2, 2018

Now Congress Has To Act to Keep Trump From Firing Mueller on a Whim, WASH. POST, Jan. 26, 2018

Resisting the Myth of the Judicial Resistance, SLATE, Jan. 25, 2018 (with Dahlia Lithwick)

Why Summer Zervos Can Sue Trump In State Court, NBC NEWS THINK, Dec. 7, 2017

An American Held as an ISIS Suspect Deserves a Prompt Hearing, N.Y. TIMES, Nov. 30, 2017

The Justice Department Is Not Actually Promising To Prosecute Hillary Clinton, WASH. POST, Nov. 14, 2017

Michael Flynn's Legal Problems Are As Dire as They Sound, NBC NEWS THINK, Nov. 13, 2017

Take Guantanamo off the Table, WASH. POST, Nov. 2, 2017, at A23

If Trump Tries To Pardon Mueller Targets, Can Anyone Stop Him?, NBC NEWS THINK, Oct. 31, 2017

The Dangerous Myth of the Judicial 'Resistance,' N.Y. TIMES, Oct. 31, 2017 (with Dahlia Lithwick)

If Trump Plans To Fire Mueller, the Time To Do It Is Right Now, WASH. POST, Oct. 31, 2017

The Long Reach of Guantánamo Bay Military Commissions, N.Y. TIMES, Oct. 4, 2017

How to Replace Jeff Sessions, SLATE, July 25, 2017

Trump Still Could Have Obstructed Justice—Even If He Didn't Break the Law, WASH. POST, June 16, 2017

The Supreme Court Phone Location Case Will Decide the Future of Privacy, MOTHERBOARD, June 16, 2017

Trump's Lawyer Says Comey Violated Executive Privilege. He's Wrong, WASH. POST, June 9, 2017

Trump's Disclosures to the Russians Might Actually Have Been Illegal, WASH. POST, May 16, 2017

Setting Term Limits For Supreme Court Would Bring Too Many Political Problems, DALLAS MORNING NEWS, Mar. 8, 2017 (with John C. Eastman)

The Courts are Immune to President Trump's Antics, (N.Y.) DAILY NEWS, Feb. 10, 2017

Hobby Lobby and Executive Power: Gorsuch's Key Rulings, CNN.com, Feb. 1, 2017

Five Reasons Not To Expect Hillary Clinton To Be Prosecuted, CNN.com, Nov. 11, 2016

Early Voting: Controversy versus Convenience, CNN.com, Nov. 1, 2016

What is the Hatch Act—and Did James Comey Violate It?, CNN.com, Oct. 31, 2016

What are Poll Watchers–and What are they Allowed To Do?, CNN.com, Oct. 29, 2016

Could Donald Trump Legally Challenge the Presidential Election?, CNN.com, Oct. 20, 2016

Why Obama Should Veto 9/11 Families Bill, CNN.com, Sept. 13, 2016 (with Jack Goldsmith)

15 Years On, Military Commission Brings No Justice for 9/11 Victims, AUSTIN AM.-STATESMAN, Sept. 11, 2016, at E3

Hillary Clinton and the Espionage Act, SLATE, July 6, 2016

Comey Is Right: Clinton's Conduct Was Careless, Not Criminal, N.Y. TIMES, ROOM FOR DEBATE, July 5, 2016

Hillary Clinton's E-Mail Controversy Should Propel Congress To Fix Outdated Espionage Act, (N.Y.) DAILY NEWS, July 5, 2016

Senate Botched 9/11 Bill, DAILY J. (CAL.), May 27, 2016, at 1

Three Points We Often Miss in Hillary Clinton's E-Mail Scandal, NEWSDAY, Mar. 21, 2016, at 30

The Real Culprit in the Apple-FBI Encryption Dispute: Congress, AM. PROSPECT, Mar. 9, 2016

Hillary Clinton's E-Mail Habits: Careless or Criminal?, N.Y. TIMES, ROOM FOR DEBATE, Feb. 4, 2016 (with Andrew McCarthy)

A Teacher's Example, AMHERST MAG., Winter 2016, at 10

How To Get Congress and Obama To Agree on Closing Guantanamo, WASH. POST, Jan. 21, 2016, at A15 (with Benjamin Wittes)

Limit State Access to Federal Court, N.Y. TIMES, Dec. 22, 2015, at A27 (with Amanda Frost)

There Are Many, Many Legal Problems With Trump's Muslim Ban, CNN.com, Dec. 8, 2015

Rights But No Remedies Overseas, DAILY J. (CAL.), Nov. 6, 2015, at 1

Why an Aggressive Supreme Court is Good for the Separation of Powers, WASH. TIMES, July 7, 2015

Restoring What We Lost After 9/11, MSNBC.com, June 22, 2015

The Unraveling Guantánamo Military Commissions, MSNBC.com, June 19, 2015

Forget the Patriot Act—Here Are the Privacy Violations You Should Be Worried About, FOREIGN POL'Y, June 1, 2015

Obama Doubles Down on Perpetual War, MSNBC.com, Feb. 11, 2015

Time to End Authorization for Endless War, REUTERS, Feb. 11, 2015

An Unhelpful Shift in Focus, U.S. NEWS & WORLD REPORT, Dec. 15, 2014

Reaching Consensus on a War Authorization, WASH. POST, Nov. 16, 2014, at A21 (with Jack Goldsmith & Ryan Goodman)

How Not To Go To War Against ISIS, MSNBC.com, Aug. 28, 2014 (with Jennifer Daskal)

Guantánamo and the Erosion of Habeas Corpus, MSNBC.com, Aug. 6, 2014

'Daoud' Highlights Shortcomings of Surveillance Act Interpretation, NAT'L L.J., June 23, 2014

Kidnapping is Legally Dubious, But It's Also the Best Way to Get Terrorists, WASH. POST, June 18, 2014

Ending the 'War on Terror' Is Easier Than It Seems, MSNBC.com, May 23, 2014

Not All Foreign Policy Power Resides With the President, N.Y. TIMES, ROOM FOR DEBATE, Apr. 22, 2014

How To Get Out of Gitmo—Now, MSNBC.com, Jan. 22, 2014

My Day at the NSA, MSNBC.com, Dec. 17, 2013

Taking the "Meh" Out of Metadata, SLATE, Nov. 22, 2013 (with Dahlia Lithwick)

The Best Evidence Yet That Government Surveillance Oversight is Nowhere Near Adequate, SLATE, Oct. 31, 2013

Unlawfully Detained by the U.S. Government? Don't Bother Suing, THE NEW REPUBLIC, Oct. 17, 2013

It's Time to Fix the FISA Court (the Way Congress Intended), MSNBC.com, Aug. 1, 2013

A Reprieve for Warren Hill, But Not the Supreme Court, MSNBC.com, July 16, 2013

Warren Lee Hill's—and the Supreme Court's—Last Chance, NAT'L L.J., July 11, 2013 (with James Liebman)

Snowden and the Lawlessness of Extradition Law, MSNBC.com, July 10, 2013

Don't Expand the War on Terror, N.Y. TIMES, May 15, 2013 (with Jennifer Daskal)

"It Has Happened!": On the First No Hitter in Mets History, BUZZFEED, June 2, 2012

Killing Medicaid the California Way, N.Y. TIMES, Oct. 14, 2011, at A31 (with Bruce C. Vladeck)

Closer to Guilt By Association, N.Y. TIMES, ROOM FOR DEBATE, June 21, 2010

The Lost Padilla Verdict, L.A. TIMES, Aug. 17, 2007, at 31

The Anticlimactic Trial of Jose Padilla, JURIST, May 15, 2007

Padilla*'s Ever-Increasing Importance*, JURIST, Jan. 17, 2006

Charging Padilla: Mootness and Chief Justice Rehnquist, JURIST, Nov. 23, 2005

Jose Padilla and the Milligan *Problem*, JURIST, Oct. 27, 2005

AUTHORED / CO-AUTHORED PARTY BRIEFS (* = ARGUED)

Opening Brief for Petitioner-Appellant and Reply Brief, Bork v. Brisco, No. 24-6218 (4th Cir. to be argued Jan. 29, 2027)

Opening Brief for Defendant-Appellant and Reply Brief, United States v. Simon, No. 25-12427 (11th Cir. filed Aug. 3, 2026)

Petition for a Writ of Certiorari and Reply Brief, Miller v. United States, 146 S. Ct. 2758 (2026) (mem.)

*Brief for Plaintiffs-Appellants and Reply Brief,
Gonzalez Maldonado v. Standard Aero (San Antonio), Inc., No. 25-50770 (5th Cir. argued June 1, 2026)

Brief for the Plaintiffs on Remand, Watson v. Kingdom of Saudi Arabia, No. 3:21-cv-329 (N.D. Fla. filed Feb. 13, 2026)

*Opening Brief for Plaintiffs-Appellants and Reply Brief, Watson v. Kingdom of Saudi Arabia, 159 F.4th 1234 (11th Cir. 2025)

*Appellant's Opening Brief and Reply Brief, Wilson v. Curtis, 150 F.4th 1359 (10th Cir. 2025)

*Appellant's Opening Brief and Reply Brief, Dillon v. Curtis, 150 F.4th 1359 (10th Cir. 2025)

Petition for a Writ of Certiorari and Reply Brief, Wheeler v. United States, 145 S. Ct. 2750 (2025) (mem.)

Brief for Governor Leon Guerrero in Opposition, Moylan v. Leon Guerrero, 145 S. Ct. 136 (2024) (mem.)

Petition for a Writ of Certiorari and Reply Brief, Martinez v. United States, 144 S. Ct. 1000 (2024) (mem.)

Petition for a Writ of Certiorari and Reply Brief, Larrabee v. Del. Toro, 144 S. Ct. 277 (2023) (mem.)

Brief in Opposition, Midwest Air Traffic Control Servs., Inc. v. Badilla, 143 S. Ct. 2512 (2023) (mem.)

Petition for a Writ of Certiorari and Reply Brief, Donziger v. United States, 143 S. Ct. 868 (2023) (mem.)

Petition for a Writ of Certiorari and Reply Brief, Weisfeld v. Scott, 143 S. Ct. 773 (2023) (mem.)

Petition for Rehearing En Banc, Larrabee v. Del Toro, No. 21-5012 (D.C. Cir. Dec. 20, 2022) (mem.)

Petition for a Writ of Certiorari, Ratha v. Phatthana Seafood Co., 143 S. Ct. 491 (2022) (mem.)

Petition for a Writ of Certiorari and Reply Brief, Elhady v. Bradley, 143 S. Ct. 301 (2022) (mem.)

Petition for Review and Reply Brief, United States v. Martinez, 83 M.J. 8 (C.A.A.F. 2022) (mem.)

Writ-Appeal Petition and Reply Brief, Ferreira v. United States, 83 M.J. 8 (C.A.A.F. 2022) (mem.)

*Brief for the Plaintiff-Appellee, Larrabee v. Del Toro, 45 F.4th 81 (D.C. Cir. 2022)

Writ-Appeal Petition and Reply Brief, Dial v. United States, 82 M.J. 446 (C.A.A.F. 2022) (mem.)

*Brief for Appellant and Reply Brief, United States v. Donziger, 38 F.4th 290 (2d Cir. 2022)

Reply Brief, Willman v. United States, 142 S. Ct. 2811 (2022) (mem.)

*Van Dorn Preston v. M1 Support Servs., L.P., 642 S.W.3d 452 (Tex. 2022)

Brief on Behalf of Appellant and Reply Brief,
United States v. Martinez, No. ACM 39973, 2022 WL 1043620 (A.F. Ct. Crim. App. Apr. 6, 2022)

Petition for Review and Reply Brief, United States v. Scott, 82 M.J. 260 (C.A.A.F. 2022) (mem.)

Petition for a Writ of Certiorari and Reply Brief, Begani v. United States, 142 S. Ct. 711 (2021) (mem.)

*Motion for Release Pending Appeal and Reply, United States v. Donziger, No. 21-2486 (2d Cir. Oct. 26, 2021) (mem.)

*Brief for the Real Parties in Interest and Letter Brief, *In re* Academy, Ltd., 625 S.W.3d 19 (Tex. 2021)

*Brief for the Appellant/Cross-Appellee, Reply Brief, Supplemental Brief, and Supplemental Reply Brief,
United States v. Begani, 81 M.J. 273 (C.A.A.F. 2021)

Opposition to Respondents' Motion to Dismiss Appeal, Opening Brief, and Reply Brief,
Evenden v. Haack, 485 P.3d 750 (Nev. 2021) (mem.)

Petition for a Writ of Certiorari and Reply Brief, Hennis v. United States, 592 U.S. 1170 (2021) (mem.)

*Brief for the Respondents, United States v. Briggs, 592 U.S. 69 (2020)

*Memorandum in Support of Motion for Judgment on the Pleadings and Reply,
Larrabee v. Braithwaite, 502 F. Supp. 322 (D.D.C. 2020)

Brief for the Appellant on Remand and Reply Brief,
United States v. Rice, No. 20160695, 2020 WL 6256712 (A. Ct. Crim. App. Oct. 22, 2020) (mem.)

Petition for Reconsideration and Reply Brief, Bergdahl v. United States, 80 M.J. 362 (C.A.A.F. 2020) (mem.)

*Brief for the Appellant and Reply Brief for the Appellant, United States v. Rice, 80 M.J. 36 (C.A.A.F. 2020)

*Brief for the Petitioners and Reply Brief for the Petitioners, Hernández v. Mesa, 589 U.S. 93 (2020)

*Complaint and Memorandum in Opposition to the Defendants' Motion to Dismiss,
Larrabee v. Spencer, No. 19-cv-654 (D.D.C. Feb. 25, 2020) (mem.)

Brief for Respondent Michael D. Collins in Opposition, United States v. Collins, 589 U.S. 1067 (2019) (mem.)

Brief for the Respondent in Opposition, United States v. Briggs, 589 U.S. 1067 (2019) (mem.)

Petition for a Writ of Certiorari, Reply Brief, and Supplemental Brief, Hernández v. Mesa, 587 U.S. 1025 (2019) (mem.)

Petition for Review, United States v. Rice, 79 M.J. 67 (C.A.A.F. 2019) (mem.)

Appellant's Reply to Petition for Reconsideration Out of Time, United States v. Willenbring, 78 M.J. 347 (C.A.A.F. 2019) (mem.)

*Brief for the Appellant on Remand and Reply Brief, United States v. Briggs, 78 M.J. 289 (C.A.A.F. 2019)

Petition for a Writ of Certiorari and Reply Brief, Larrabee v. United States, 586 U.S. 1145 (2019) (mem.)

Petition for a Writ of Certiorari and Reply Brief, Metzgar v. KBR, Inc., 586 U.S. 1114 (2019) (mem.)

Petition for Rehearing, Abdirahman v. United States, 585 U.S. 1046 (2018) (mem.)

Petition for Rehearing En Banc, *In re* KBR, Inc., Burn Pit Litig., No. 17-1960 (4th Cir. July 26, 2018) (mem.)

Petition for a Writ of Certiorari, Cash v. United States, 585 U.S. 1033 (2018) (mem.)

Petition for a Writ of Certiorari and Supplemental Brief, Abdirahman v. United States, 585 U.S. 1030 (2018) (mem.)

*Brief for the Petitioners and Reply Brief, Cox v. United States, 585 U.S. 528 (2018) (per curiam)

*Brief for the Petitioners and Reply Brief, Dalmazzi v. United States, 585 U.S. 527 (2018) (per curiam)

*Brief for the Petitioners and Reply Brief, Ortiz v. United States, 585 U.S. 427 (2018)

Petition for a Writ of Certiorari and Reply Brief, Adhikari v. Kellogg Brown & Root, Inc., 583 U.S. 824 (2017) (mem.)

Petition for a Writ of Certiorari and Reply Brief, Ortiz v. United States, 582 U.S. 967 (2017) (mem.)

Petition for a Writ of Certiorari, Supplemental Brief, and Reply Brief, Dalmazzi v. United States, 582 U.S. 966 (2017) (mem.)

Petition for a Writ of Certiorari and Reply Brief, Cox v. United States, 582 U.S. 966 (2017) (mem.)

Brief for Petitioners and Reply Brief for the Petitioners, Hernández v. Mesa, 582 U.S. 548 (2017) (per curiam)

Brief for Respondent, Genesis HealthCare Corp. v. Symczyk, 569 U.S. 66 (2013)

Petition for a Writ of Certiorari, Mohammed v. Obama, 563 U.S. 931 (2011) (mem.)

Brief for Petitioner and Reply Brief for Petitioner, Nken v. Holder, 556 U.S. 418 (2009)

Memorandum of Law in Support of Petitioner's Motion for a Preliminary Injunction, Hamdan v. Gates, 565 F. Supp. 2d 130 (D.D.C. 2008)

Brief for Petitioner and Reply Brief for Petitioner, Engquist v. Or. Dep't of Agric., 553 U.S. 591 (2008)

Petitioner's Opposition to Respondents' Motion to Dismiss and Petitioner's Surreply Regarding Respondents' Motion to Dismiss, Hamdan v. Rumsfeld, 548 U.S. 557 (2006)

AUTHORED / CO-AUTHORED *AMICUS* BRIEFS

Brief for Professor Stephen I. Vladeck as *Amicus Curiae* in Support of Petitioners, Mohammad v. United States, No. 26-13, 2026 WL 3116592 (U.S. Oct. 19, 2026) (mem.)

Brief of Law Professors as *Amici Curiae* in Support of Appellants, Nahadi v. British Am. Tobacco P.L.C., No. 26-2010 (4th Cir. filed Oct. 9, 2026)

Brief of Professor Stephen I. Vladeck as *Amicus Curiae* in Support of Respondent, Nielsen v. Watanabe, No. 25-417 (U.S. filed Sept. 30, 2026)

Brief of Stephen I. Vladeck as *Amicus Curiae* in Opposition to the Application, Lovelace v. Lee, 146 S. Ct. 2720 (2026) (mem.)

Supplemental Brief of Law Professors as *Amici Curiae* in Support of Plaintiffs-Appellants, Atchley v. AstraZeneca UK, Ltd., 165 F.4th 592 (D.C. Cir. 2026)

Brief of Federal Courts Scholars as *Amici Curiae* in Support of Petitioner, Bowe v. United States, 607 U.S. 13 (2026)

Brief of the Software & Information Industry Association as *Amicus Curiae* in Support of Petitioners, Fed. Comms. Comm'n v. Consumers' Research, 606 U.S. 656 (2025)

Brief of Former Senior Officials of the Department of Health and Human Services as *Amici Curiae* in Support of Respondents, Medina v. Planned Parenthood S. Atl., Inc., 606 U.S. 357 (2025)

Brief of the Software & Information Industry Association as *Amicus Curiae* in Support of Petitioners, Fed. Comms. Comm'n v. Consumers' Research, 145 S. Ct. 587 (2024) (mem.)

Brief of Professor Stephen I. Vladeck as *Amicus Curiae* in Support of Petitioners, United States v. Texas, 599 U.S. 670 (2023)

Brief of Former Senior Officials of the Department of Health and Human Services as *Amici Curiae* in Support of Respondent, Health & Hosps. Corp. of Marion County v. Talevski, 599 U.S. 166 (2023)

Brief of Anti-Terrorism Act Scholars as *Amici Curiae* in Support of Respondents, Twitter, Inc. v. Taamneh, 598 U.S. 471 (2023)

Brief of Law Professors as *Amici Curiae* in Support of Plaintiffs-Appellants, Freeman v. HSBC Holdings PLC, 57 F.4th 66 (2d Cir. 2023)

Brief of Federal Courts Law Professors as *Amici Curiae* in Opposition to Defendants' Motions to Dismiss, Vindman v. Trump, No. 1:22-cv-257, 2022 WL 16758575 (D.D.C. Nov. 8, 2022)

Brief of Professor Stephen I. Vladeck as *Amicus Curiae* in Support of Applicants, United States v. Texas, 143 S. Ct. 51 (2022) (mem.)

Brief of Law Professors as *Amici Curiae* in Support of Petitioners, Weiss v. Nat'l Westminster Bank, PLC, 142 S. Ct. 2866 (2022) (mem.)

Brief of Federal Courts Scholars as *Amici Curiae* in Support of Respondents,
Cameron v. EMW Women's Surgical Ctr., P.S.C., 595 U.S. 267 (2022)

Brief of Law Professors as *Amici Curiae* in Support of Plaintiffs-Appellants,
Atchley v. AstraZeneca UK, Ltd., 22 F.4th 204 (D.C. Cir. 2022)

Brief of Professor Stephen I. Vladeck as *Amicus Curiae* in Support of Plaintiffs,
Van Stean v. Texas, No. D-1-GN-21-004179 (98th Dist. Ct., Travis County, Tex., Dec. 10, 2021)

Brief of Cross-Industry Groups as *Amici Curiae* in Support of Petitioners, United States v. Arthrex, Inc., 594 U.S. 1 (2021)

Brief of Law Professors as *Amici Curiae* in Support of Plaintiffs-Appellants,
Kaplan v. Lebanese Canadian Bank, SAL, 999 F.3d 842 (2d Cir. 2021)

Brief of *Amici Curiae* Law Professors on the Remedial Powers of Federal Courts,
Hernandez Roman v. Wolf, 977 F.3d 935 (9th Cir. 2020) (per curiam)

Brief of Joshua Davis, Amy Gordon, and Rachael Jensen as *Amici Curiae* in Support of Appellant,
United States v. McPherson, No. 20180214, 2020 WL 5798492 (A. Ct. Crim. App. Sept. 28, 2020)

Brief of Professor Stephen I. Vladeck as *Amicus Curiae* in Support of Petitioner-Appellee's Motion to Vacate,
Hassoun v. Searls, 976 F.3d 121 (2d Cir. 2020)

Brief of Professor Stephen I. Vladeck as *Amicus Curiae* in Support of Plaintiffs-Appellees,
Tun-Cos v. Perrotte, No. 18-1451 (4th Cir. Aug. 22, 2019) (mem.)

Brief of Professors of Federal Jurisdiction as *Amici Curiae* in Support of Respondent,
Franchise Tax Bd. of Cal. v. Hyatt, 587 U.S. 230 (2019)

Brief of Professor Stephen I. Vladeck as *Amicus Curiae* in Support of Plaintiffs-Appellants,
Maalouf v. Islamic Republic of Iran, 923 F.3d 1095 (D.C. Cir. 2019)

Brief of Law Professors as *Amici Curiae* in Support of Petitioners,
Whole Woman's Health v. Tex. Cath. Conf. of Bishops, 586 U.S. 1145 (2019) (mem.)

Brief of Constitutional Law Scholars as *Amici Curiae* in Support of Plaintiffs,
Saget v. Trump, 345 F. Supp. 3d 287 (E.D.N.Y. 2018)

Brief of Girija Hathaway and Jacob Smith as *Amici Curiae* in Support of Appellant,
United States v. Jones, 78 M.J. 37 (C.A.A.F. 2018)

Brief for Federal Courts Scholars as *Amici Curiae* Supporting Plaintiffs,
Knight First Amend. Inst. at Columbia Univ. v. Trump, 302 F. Supp. 3d 541 (S.D.N.Y. 2018)

Brief of Former Judges, Former Prosecutors, Former Government Officials, Law Professors, and Social Scientists as *Amici Curiae* in Support of Respondents, United States v. Sanchez-Gomez, 584 U.S. 381 (2018)

Brief for Federal Courts Scholars as *Amici Curiae* Supporting Respondent,
Salt River Proj. v. Tesla Energy Operations, Inc., 584 U.S. 901 (2018) (mem.)

Brief of Federal Courts Scholars as *Amici Curiae* in Support of Petitioner, Patchak v. Zinke, 583 U.S. 244 (2018)

Brief of the National Institute of Military Justice as *Amicus Curiae* in Support of the Petitioner,
Al-Nashiri v. Trump, 583 U.S. 932 (2017) (mem.)

Brief for Scholars of Federal Jurisdiction as *Amici Curiae* in Support of Respondents,
Trump v. Int'l Refugee Assistance Proj., 583 U.S. 912 (2017) (mem.)

Brief of the National Institute of Military Justice as *Amicus Curiae* in Support of the Petitioner,
Al Bahlul v. United States, 583 U.S. 928 (2017) (mem.)

Brief of *Amici Curiae* Institute for Justice et al. in Support of Petitioners,
Batato v. United States, 583 U.S. 816 (2017) (mem.)

Brief of Federal Courts Scholars as *Amici Curiae* in Support of Petitioner, Patchak v. Zinke, 581 U.S. 959 (2017) (mem.)

Brief for *Amici Curiae* Constitutional Law, Federal Courts, Citizenship, and Remedies Scholars in Support of Respondent,
Sessions v. Morales-Santana, 582 U.S. 47 (2017)

Brief of Former Federal Judges as *Amici Curiae* in Support of the Writ-Appeal Petition,
Bergdahl v. Nance, 76 M.J. 342 (C.A.A.F. 2017) (mem.)

Brief of Constitutional Scholars as *Amici Curiae* in Support of Appellees,
Washington v. Trump, 847 F.3d 1151 (9th Cir. 2017) (per curiam)

Brief of the National Institute of Military Justice as *Amicus Curiae* in Support of Petitioner,
Al Bahlul v. United States, 840 F.3d 757 (D.C. Cir. 2016) (en banc)

Brief of Professors of Constitutional Law and Federal Courts as *Amici Curiae* in Support of Plaintiffs-Appellants Seeking Reversal, Al Shimari v. CACI Premier Tech., Inc., 840 F.3d 147 (4th Cir. 2016)

Brief of the National Institute of Military Justice as *Amicus Curiae* in Support of Petitioner,
Akbar v. United States, 580 U.S. 815 (2016) (mem.)

Brief of the National Institute of Military Justice as *Amicus Curiae* in Support of the Petitioner,
In re Al-Nashiri, 835 F.3d 110 (D.C. Cir. 2016)

Brief of Professors of Federal Jurisdiction as *Amici Curiae* in Support of Respondent,
Franchise Tax Board v. Hyatt, 578 U.S. 171 (2016)

Brief of Law Professors as *Amici Curiae* in Support of Petitioner, *In re* Williams, 577 U.S. 1060 (2016) (mem.)

Brief of Law Professors as *Amici Curiae* in Support of Petitioner, *In re* Sharp, 577 U.S. 1060 (2016) (mem.)

Brief of Law Professors as *Amici Curiae* in Support of Petitioner, *In re* Butler, 577 U.S. 1046 (2015) (mem.)

Brief of *Amici Curiae* Scholars of Human Rights Law in Support of Petitioners,
Bimenyimana v. Holder, No. 13-1676 (4th Cir. filed Mar. 26, 2015)

Brief of *Amici Curiae* Law Professors James E. Pfander, Carlos M. Vázquez, and Stephen I. Vladeck in Support of Plaintiff-Appellant, Meshal v. Higgenbotham, 804 F.3d 417 (D.C. Cir. 2015)

Brief of the National Institute of Military Justice as *Amicus Curiae* in Support of Petitioner,
Al Bahlul v. United States, 792 F.3d 1 (D.C. Cir. 2015)

Brief for Former HHS Officials as *Amici Curiae* in Support of Respondents,
Armstrong v. Exceptional Child Ctr., Inc., 575 U.S. 320 (2015)

Brief of the National Institute of Military Justice as *Amicus Curiae* in Support of Petitioner,
Al Bahlul v. United States, 767 F.3d 1 (D.C. Cir. 2014) (en banc)

Brief of *Amici Curiae* Professors James E. Pfander and Stephen I. Vladeck in Support of Petitioner,
In re EPIC, 571 U.S. 1023 (2013) (mem.)

Brief of Law Professors Eric M. Freedman et al. as *Amici Curiae* in Support of Petitioner,
In re Hill, 571 U.S. 813 (2013) (mem.)

Brief of Law Professors as *Amici Curiae* in Support of Respondent, Madigan v. Levin, 571 U.S. 1 (2013) (per curiam)

Brief of Professors James Pfander and Stephen Vladeck as *Amici Curiae* in Support of Petitioners,
Vance v. Rumsfeld, 569 U.S. 1038 (2013) (mem.)

Brief of *Amicus Curiae* National Association of Criminal Defense Lawyers in Support of Petitioner,
Behenna v. United States, 569 U.S. 1017 (2013) (mem.)

Brief of the National Institute of Military Justice as *Amicus Curiae* in Support of Petitioner,
Al-Bahlul v. United States, No. 11-1324, 2013 WL 297726 (D.C. Cir. Jan. 25, 2013) (per curiam)

Brief of Legal Historians and Habeas Corpus Experts as *Amici Curiae* in Support of the Petition for a Writ of Certiorari,
Trinidad y Garcia v. Thomas, 568 U.S. 1114 (2013) (mem.)

Brief of Professors of Civil Procedure and Federal Courts as *Amici Curiae* in Support of Plaintiffs-Appellees,
Al Shimari v. CACI Int'l, Inc., 679 F.3d 205 (4th Cir. 2012) (en banc)

Brief of Former HHS Officials as *Amici Curiae* in Support of Respondents,
Douglas v. Indep. Living Ctr. of S. Cal., Inc., 565 U.S. 606 (2012)

Brief of Professors of Constitutional Law and Federal Jurisdiction as *Amici Curiae* in Support of Plaintiffs-Appellants,
Lebron v. Rumsfeld, 670 F.3d 540 (4th Cir. 2012)

Brief of *Amici Curiae* Professors of Federal Jurisdiction in Support of Appellant,
Virginia *ex rel.* Cuccinelli v. Sebelius, 656 F.3d 253 (4th Cir. 2011)

Brief of Professors of Federal Jurisdiction as *Amici Curiae* in Support of Defendants-Appellants,
Florida *ex rel*. Att'y Gen. v. U.S. Dep't of Health & Hum. Servs., 648 F.3d 1235 (11th Cir. 2011)

Brief of Federal Jurisdiction Professors as *Amici Curiae* in Support of Respondents,
AT&T Mobility, LLC v. Concepcion, 563 U.S. 333 (2011)

Brief of Law Professors as *Amici Curiae* in Support of the Petitioner,
Va. Office for Prot. & Advocacy v. Stewart, 563 U.S. 247 (2011)

Brief of *Amici Curiae* Professors of Federal Jurisdiction in Support of Plaintiffs-Appellants-Cross-Appellees,
Kiobel v. Royal Dutch Petroleum Co., 621 F.3d 111 (2d Cir. 2010)

Brief for Non-Governmental Organizations and Scholars as *Amici Curiae* in Support of Rehearing and Rehearing En Banc,
Al-Bihani v. Obama, 619 F.3d 1 (D.C. Cir. 2010) (mem.)

Brief of Constitutional Law Professors as *Amici Curiae* in Support of Plaintiffs-Appellees,
ACORN v. United States, 618 F.3d 125 (2d Cir. 2010)

Brief of Law Professors as *Amici Curiae* in Support of the Petition for Certiorari,
Va. Office for Prot. & Advocacy v. Reinhard, 561 U.S. 1005 (2010) (mem.)

Brief for Non-Governmental Organizations as *Amici Curiae* in Support of Appellees,
Al-Maqaleh v. Gates, 605 F.3d 84 (D.C. Cir. 2010)

Brief of Legal Historians and Habeas Corpus Experts as *Amici Curiae* in Support of Petitioners,
Kiyemba v. Obama (*Kiyemba II*), 559 U.S. 1005 (2010) (mem.)

Brief of Law Professors as *Amici Curiae* in Support of Petitioner, Kucana v. Holder, 558 U.S. 233 (2010)

Brief of Professors of Constitutional Law et al. as *Amici Curiae*, Mohamed v. Jeppesen Dataplan, Inc.,
563 F.3d 992 (9th Cir. 2009), *on reh'g en banc*, 614 F.3d 1070 (9th Cir. 2010)

Brief of Former Article III Judges and Law Professors as *Amici Curiae* in Support of Respondent,
Mohawk Indus. v. Carpenter, 558 U.S. 100 (2009)

Brief of Law Professors as *Amici Curiae* in Support of Respondent, United States v. Denedo, 556 U.S. 904 (2009)

Brief of *Amici Curiae* Professors of Constitutional Law and of Federal Jurisdiction in Support of Petitioner,
Haywood v. Drown, 556 U.S. 729 (2009)

Brief for *Amici Curiae* Founding-Era Historians and Experts in American Legal History in Support of Petitioner,
Al-Marri v. Spagone, 555 U.S. 1220 (2009) (mem.)

Brief of *Amici Curiae* Professors of Constitutional Law and of Federal Jurisdiction in Support of Certiorari,
Al-Marri v. Pucciarelli, 555 U.S. 1066 (2008) (mem.)

Brief of Federal Courts and International Law Professors as *Amici Curiae* in Support of Petitioners,
Boumediene v. Bush, 553 U.S. 723 (2008)

Brief for *Amici Curiae* Professors of Constitutional Law and of the Federal Courts, Munaf v. Geren, 553 U.S. 674 (2008)

Brief of *Amici Curiae* Professor Erwin Chemerinsky *et al*., Hepting v. AT&T Corp., 539 F.3d 1157 (9th Cir. 2008)

LEGISLATIVE / EXECUTIVE BRANCH TESTIMONY

The Second Amendment, Hearing before the S. Homeland Security & Gov't Affairs Comm., Apr. 15, 2026

Protecting American Citizenship II: Federalism, Sanctuary Cities, and the Rule of Law,
Hearing before the S. Comm. on the Judiciary, Subcomm. on the Constitution, Mar. 25, 2026

Impeachment: Holding Rogue Judges Accountable, Hearing before the S. Comm. on the Judiciary,
Subcomm. on Federal Courts, Oversight, Agency Action and Federal Rights, Jan. 7, 2026

Rule by District Judges II: Exploring Legislative Solutions to the Bipartisan Problem of Universal Injunctions,
Hearing before the S. Comm. on the Judiciary, Apr. 2, 2025

Reining in the Administrative State: Regulatory and Administrative Law Reform, Hearing Before the H. Comm. on the Judiciary,
Subcomm. on the Admin. State, Regulatory Reform, & Antitrust, Feb. 11, 2025

HB19: Relating to the Creation of a Specialty Trial Court to Hear Certain Cases,
Hearing Before the Tex. H. Comm. on Judiciary and Civil Jurisprudence, Mar. 22, 2023

Texas's Unconstitutional Abortion Ban and the Role of the Shadow Docket,
Hearing Before the S. Comm. on the Judiciary, Sept. 29, 2021

Case Selection and Review at the Supreme Court,
Hearing Before the Presidential Comm'n on the Supreme Court of the United States, June 30, 2021

The Supreme Court's Shadow Docket, Hearing Before the H. Comm. on the Judiciary, Subcomm. on Courts, Intellectual Property, and the Internet, Feb. 18, 2021

Special Counsels and the Separation of Powers, Hearing Before the S. Comm. on the Judiciary, Sept. 26, 2017

Executive Overreach in Foreign Affairs, Hearing Before the H. Comm. on the Judiciary, Task Force on Executive Overreach, May 12, 2016

The Original Understanding of the Role of Congress and How Far We've Drifted from It, Hearing Before the H. Comm on the Judiciary, Task Force on Executive Overreach, Mar. 1, 2016

Executive Order 12,333 and the Intelligence Activities Conducted Under It, Hearing Before the Privacy & Civil Liberties Oversight Board, May 13, 2015

Consideration of Recommendations for Change: The Surveillance Programs Operated Pursuant to Section 215 of the USA PATRIOT Act and Section 702 of the Foreign Intelligence Surveillance Act, Hearing Before the Privacy & Civil Liberties Oversight Board, Nov. 4, 2013

NSA Programs, Hearing Before the H. Permanent Select Comm. on Intelligence, Oct. 29, 2013

Drones and the War on Terror: When Can the U.S. Target Alleged American Terrorists Overseas?, Hearing Before the H. Comm. on the Judiciary, Feb. 27, 2013

National Security Leaks and the Law, Hearing Before the H. Comm. on the Judiciary, Subcomm. on Crime, Terrorism, and Homeland Security, July 11, 2012

The Due Process Guarantee Act: Banning Indefinite Detention of Americans, Hearing Before the S. Comm. on the Judiciary, Feb. 29, 2012

The Espionage Act and the Legal and Constitutional Issues Raised by WikiLeaks, Hearing Before the H. Comm. on the Judiciary, Dec. 16, 2010

United States *v.* Stevens*: The Supreme Court's Decision Invalidating the Crush Video Statute*, Hearing Before the H. Comm. on the Judiciary, Subcomm. on Crime, Terrorism, and Homeland Security, May 26, 2010

The Espionage Statutes: A Look Back and a Look Forward, Hearing Before the S. Comm. on the Judiciary, Subcomm. on Terrorism & Homeland Security, May 12, 2010

BAR ADMISSIONS

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

MEMBERSHIPS / AFFILIATIONS

- Board of Trustees, Amherst College
- Board of Trustees, EarthJustice
- Senior Editor, *Journal of National Security Law & Policy*
- Founding Co-Editor-in-Chief (2013–20) and Executive Editor (2020–present), JUST SECURITY
- Senior Editor, LAWFARE
- Contributing Editor, CourtsLaw Section, *JOTWELL* (Journal of Things We Like Lots)

- Elected Member, American Law Institute
- Member, Advisory Committee, ABA Standing Committee on Law and National Security
- Member, Advisory Board, Electronic Privacy and Information Center
- Member, Board of Advisors, National Institute of Military Justice
- Member, Board of Academic Advisors, American Constitution Society
- Member, Book Award Committee, Order of the Coif
- Member, Scholarly Research Committee, Southeastern Association of Law Schools

- Distinguished Fellow, National Institute of Military Justice
- Order of the Coif
- Associate Agent, Amherst College Class of 2001
- Reunion Committee, Yale Law School Class of 2004