

TUNG YIN

Lewis & Clark Law School, 10101 S. Terwilliger Boulevard, Portland, Oregon 97219

Phone: (503) 768-6772

tyin@lclark.edu

[Faculty webpage](#)

Twitter: @TungYin

ACADEMIC EMPLOYMENT

Lewis & Clark Law School, Portland, OR

Professor, July 2009 – present.

- **Courses taught:** Criminal Procedure I (investigations); Criminal Procedure II (adjudication); Evidence; National Security Law; Sentencing Law; Criminal Law II; (federal criminal law); Sentencing Law.

University of Illinois College of Law, Champaign, IL

Visiting Professor, Sept. 2008.

- **Course taught:** Corporate Crimes.

The University of Iowa College of Law, Iowa City, IA

Professor and Claire Ferguson Carlson Fellow, July 2008 – June 2009.

Professor, July 2007 – June 2008.

Associate Professor, Aug. 2002 – June 2007.

- **Courses taught:** Federal Courts; Constitutional Law I; Corporate Crimes; National Security Law; Professional Responsibility.
- **Honors:** James N. Murray Award (2006) (university-wide award recognizing “an exceptional untenured UI faculty member [for] outstanding teaching and assistance to students, excellent research and writing, and service to The University of Iowa and the surrounding community”).

PUBLICATIONS

Articles

The Time is Now: Criminal Justice Reform in the Wake of George Floyd’s Killing, 25 LEWIS & CLARK LAW REVIEW __ (2021) (Symposium) (forthcoming).

Are Losing Arguments Completely Irrelevant to the Equal Access to Justice Act?: A Response to Professor Krishnan, 82 OHIO STATE LAW JOURNAL ONLINE __ (2021) (forthcoming).

[*Learning from the Jeffrey Epstein Mess: It's Time to Add a Cause of Action for Damages to the Crime Victims' Rights Act*](#), 69 KANSAS LAW REVIEW 449 (2021) [46 pages].

[*An Information Operations Theory of Domestic Counterterrorism Efforts*](#), 71 SOUTH CAROLINA LAW REVIEW 523 (2019) [80 pages].

[*The Perspective of the Reasonable Police Officer in the Field: My Trip to the Shooting Simulator*](#), 16 OHIO STATE JOURNAL OF CRIMINAL LAW 207 (2018) [13 pages].

[*National Security Lies*](#), 55 HOUSTON LAW REVIEW 729 (2018) [92 pages].

Justice Scalia as Neither Friend Nor Foe of Criminal Defendants, 50 AKRON LAW REVIEW 269 (2016) [Symposium] [31 pages].

[*Game of Drones: Defending Against Drone Terrorism*](#), 2 TEXAS A&M UNIVERSITY LAW REVIEW 635 (2015) [Symposium] [39 pages].

Reflections on My Short Tenure as the Iowa Law Review Faculty Advisor, 100 IOWA LAW REVIEW 1383 (2015) [5 pages].

[*Is Diversity Diverse Enough?*](#), 21 ASIAN AMERICAN LAW JOURNAL 89 (2014) [56 pages].

[*Were Timothy McVeigh and the Unabomber the Only White Terrorists?: Race, Religion, and the Perception of Terrorism*](#), 4 ALABAMA CIVIL RIGHTS & CIVIL LIBERTIES LAW REVIEW 33 (2013) [45 pages].

[*The Death Penalty Spectacle*](#), 3 UNIVERSITY OF DENVER CRIMINAL LAW REVIEW 165 (2013) [20 pages].

Ten Years of Legal Evolution: The Architecture of U.S. Counterterrorism Law From September 10, 2001, to the Present, 4 ELON LAW REVIEW 201 (2012).

[*Joint Terrorism Task Forces as a Window into the Security vs. Civil Liberties Debate*](#), 13 FLORIDA COASTAL LAW REVIEW 1 (2011) [Symposium] [33 pages].

Ten Questions on National Security, 37 WILLIAM MITCHELL LAW REVIEW (JOURNAL OF THE NATIONAL SECURITY FORUM) 5089 (2011) [10 pages].

Broken Promises or Unrealistic Expectations?: Comparing the Bush and Obama Administrations on Counterterrorism, 20 TRANSNATIONAL LAW & CONTEMPORARY PROBLEMS 465 (2011) [Symposium] [46 pages].

- reprinted in NATIONAL SECURITY, CIVIL LIBERTIES, AND THE WAR ON TERROR (Darmer & Fyfel eds. 2011).

[*"Anything But Bush"?: The Obama Administration and Guantanamo Bay*](#), 34 HARVARD JOURNAL OF LAW & PUBLIC POLICY 453 (2010) [Symposium] [40 pages].

[*Independent Appellate Review of Knowledge of Falsity in Defamation and False Statements Cases*](#), 15 BERKELEY JOURNAL OF CRIMINAL LAW 330 (2010) [63 pages].

[*Through a Screen Darkly: Hollywood as a Measure of Discrimination Against Arabs and Muslims*](#), 2 DUKE FORUM FOR LAW AND SOCIAL CHANGE 103 (2010) ["Muslim in America": The New Face of Discrimination Symposium] [21 pages].

[*"I Do Not Think \[Implausible\] Means What You Think It Means": Ashcroft v. Iqbal and Judicial Vouching for Government Officials*](#), 14 LEWIS AND CLARK LAW REVIEW 203 (2010) [Symposium] [14 pages].

Enforcing ICC Arrest Warrants, vol. 31, no. 3, at 2, NATIONAL SECURITY LAW REPORT (ABA Standing Committee on Law and National Security) (May/June 2009) [7 pages] [dialogue with Capt. Keith Petty, US Army JAG].

Crying Wolf?: In re Marriage Cases and Charges of Judicial Activism, 14 NEXUS: A JOURNAL OF OPINION 45 (2009) [Symposium] [10 pages].

[*Boumediene and Lawfare*](#), 43 UNIVERSITY OF RICHMOND LAW REVIEW 865 (2009) [Symposium] [28 pages].

Great Minds Think Alike: The "Torture Memo," OLC, Law Clerks, and Sharing the Boss's Mindset, 45 WILLAMETTE LAW REVIEW 473 (2009) [Presidential Powers in the 21st Century Symposium] [32 pages].

[*Distinguishing Soldiers and Non-State Actors: Clarifying the Geneva Convention's Regulation of Interrogation of Captured Combatants Through Positive Inducements*](#), 26 BOSTON UNIVERSITY INTERNATIONAL LAW JOURNAL 227 (2008) [50 pages].

[*Jack Bauer Syndrome: Hollywood's Depiction of National Security Law*](#), 17 SOUTHERN CALIFORNIA INTERDISCIPLINARY LAW JOURNAL 279 (2008) [AALS Law and Humanities Section Symposium] [22 pages].

Ten Questions on National Security, 34 WILLIAM MITCHELL LAW REVIEW (JOURNAL OF THE NATIONAL SECURITY FORUM) 509 (2008).

[*Enemies of the State: Rational Classification in the War on Terrorism*](#), 11 LEWIS AND CLARK LAW REVIEW 903 (2007) [Crime, War Crimes, and the War on Terrorism Symposium] [39 pages].

[*Tom and Jerry \(and Spike\): A Metaphor for Hamdan v. Rumsfeld and the President, the Court, and Congress in the War on Terrorism*](#), 42 TULSA LAW REVIEW 505 (2007) [Supreme Court Review Symposium] [31 pages].

[*Blogging While Untenured and Other Extreme Sports*](#), 84 WASHINGTON UNIVERSITY LAW REVIEW 1235 (2007) [Symposium] [with Christine Hurt] [20 pages].

[*Structural Objections to the Inherent Commander in Chief Powers Thesis*](#), 16 TRANSNATIONAL LAW & CONTEMPORARY PROBLEMS 965 (2007) [National Security Law Symposium] [25 pages].

The Impact of the 9/11 Attacks on National Security Law Casebooks, 19 ST. THOMAS LAW REVIEW 157 (2006) [Symposium] [42 pages].

[*Coercion and Terrorism Prosecutions in the Shadow of Military Detention*](#), 2006 BRIGHAM YOUNG UNIVERSITY LAW REVIEW 1255 (2006) [77 pages].

[*Procedural Due Process to Determine "Enemy Combatant" Status in the War on Terrorism*](#), 73 TENNESSEE LAW REVIEW 351 (2006) [64 pages].

Dodging the Jose Padilla Case, vol. 28, no. 2, at 6, NATIONAL SECURITY LAW REPORT (ABA Standing Committee on Law and National Security) (July 2006) [3 pages].

[*Legal Blogs and the Supreme Court Nomination Process*](#), 11 NEXUS: A JOURNAL OF OPINION 79 (2006) [10 pages] [Symposium].

[*Ending the War on Terrorism One Terrorist At a Time: A Non-Criminal Detention Model for Holding and Releasing Guantanamo Bay Detainees*](#), 29 HARVARD JOURNAL OF LAW & PUBLIC POLICY 149 (2005) [64 pages].

[*The Role of Article III Courts in the War on Terrorism*](#), 13 WILLIAM & MARY BILL OF RIGHTS JOURNAL 1061 (2005) [67 pages].

A Government's Trustworthiness: Beyond the USA PATRIOT Act, 8 CHICAGO POLICY REVIEW 1 (2004) [10 pages].

[*Disposable Deontology: The Death Penalty and Nuclear Deterrence*](#), 55 ALABAMA LAW REVIEW 111 (2003) [48 pages].

How the Americans with Disabilities Act's Prohibition on Pre-Offer Disability-Related Questions Violates the First Amendment, 17 LABOR LAWYER 107 (2001) [36 pages].

The Probative Values and Pitfalls of Drug Courier Profiles as Probabilistic Evidence, 5 TEXAS FORUM ON CIVIL LIBERTIES-CIVIL RIGHTS 163 (2000) [50 pages].

- adapted for SEARCH AND SEIZURE LAW REPORT, vol. 28, no. 4 (2001).

Really, Who is Uncle Zeb?, 3 GREEN BAG 2d 115 (1999) [humor] [3 pages].

State Taxation and the Dormant Commerce Clause: The Object-Measure Approach, 1998 SUPREME COURT REVIEW 193 [with Jesse H. Choper] [53 pages].

A Better Mousetrap: Procedural Default as a Retroactivity Alternative to Teague v. Lane and the Antiterrorism and Effective Death Penalty Act of 1996, 25 AMERICAN JOURNAL OF CRIMINAL LAW 203 (1998) [105 pages].

Reviving Fallen Copyrights: A Constitutional Analysis of Section 514 of the Uruguay Round Agreements Act, 17 LOYOLA OF LOS ANGELES ENTERTAINMENT LAW JOURNAL 383 (1997) [29 pages].

- reprinted in 1998 INTELLECTUAL PROPERTY LAW REVIEW 421.
- First Place in 1995 Nathan Burkan Memorial Copyright Competition at Boalt Hall.

Nailing Jello to a Wall: A Uniform Approach for Adjudicating Insurance Coverage Disputes Involving Delayed Manifestation Damages, 81 CALIFORNIA LAW REVIEW 1243 (1995) [comment] [65 pages].

- reprinted in 8 NATIONAL INSURANCE LAW REVIEW 383 (1996).

Not a Rotten Carrot: Using Charges Dismissed Pursuant to a Plea Agreement in Sentencing Under the Federal Guidelines, 81 CALIFORNIA LAW REVIEW 419 (1995) [comment] [51 pages].

Post-Modern Printing Presses: Extending Freedom of the Press to Electronic Online Services, 8 HIGH TECHNOLOGY LAW JOURNAL 311 (1993) [comment] [39 pages].

Chapters in Books

Lawyers in Terrorism Thrillers, in LAW AND JUSTICE ON THE SMALL SCREEN, at 193 (Jessica Silbey & Peter Robson eds. 2012) [16 pages].

Supreme Court decisions, U.S., in THE TWENTIES IN AMERICA (encyclopedia appendix) (2012).

U.S. Supreme Court, in THE TWENTIES IN AMERICA, at 839-41(encyclopedia entry) (2012).

The Alien-Citizen Distinction and the Global War on Terrorism, in DEMOCRATIC CITIZENSHIP AND WAR, at 77 (Yoav Peled et al. eds. 2010) (co-authored with David Abraham) [23 pages].

Supreme Court, U.S., in THE THIRTIES IN AMERICA (encyclopedia entry) (2011).

Civil rights and liberties in the United States, in THE THIRTIES IN AMERICA (encyclopedia entry) (2011).

Supreme Court decisions, U.S., in THE FORTIES IN AMERICA, at 916 (encyclopedia entry) (2010) [5 pages].

Civil rights and liberties in the United States, in THE FORTIES IN AMERICA, at 208 (encyclopedia entry) (2010) [4 pages].

U.S. National Security Agency is revealed to have been spying on the United Nations, in GREAT EVENTS FROM HISTORY: MODERN SCANDALS, at 995 (encyclopedia entry) (2009) [4 pages].

New York Governor Eliot Spitzer resigns after admitting to using a call-girl service, in GREAT EVENTS FROM HISTORY: MODERN SCANDALS, at 1167 (encyclopedia entry) (2009) [4 pages].

Martha Stewart is convicted, in GREAT EVENTS FROM HISTORY: MODERN SCANDALS, at 1031 (encyclopedia entry) (2009) [4 pages].

Radical author and professor Ward Churchill is fired from the University of Colorado at Boulder for plagiarism and falsification of research data, in GREAT EVENTS FROM HISTORY: MODERN SCANDALS, at 1155 (encyclopedia entry) (2009) [4 pages].

Can "Death Row Phenomenon" Be Confined to Death Row Inmates?, in DEATH PENALTY: NEW

DIMENSIONS 92-121 (Areti Krishna Kumari ed. 2007) [30 pages].

Butler v. McKellar, in the ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES, at 208 (encyclopedia entry) (2006) [2 pages].

United States v. United States District Court, in the ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES, at 1695 (encyclopedia entry) (2006) [2 pages].

Terrorism and Civil Liberties, in the ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES, at 1622 (encyclopedia entry) (2006) [5 pages].

Indefinite Detention, in the ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES, at 804 (encyclopedia entry) (2006) [2 pages].

U.S. v. The Progressive, in the ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES, at 1694 (encyclopedia entry) (2006) [2 pages].

National security and sovereignty, in ETHICS, at 1003 (Rev. Ed. 2004) (encyclopedia entry) [3 pages].

Book Reviews

[Review of MIKE GERMAN, DISRUPT, DISCREDIT, DIVIDE: HOW THE NEW FBI DAMAGES DEMOCRACY](#), in Criminal Law and Criminal Justice Books, July 2020.

[Review of MATT FARWELL & MICHAEL AMES, AMERICAN CIPHER: BOWE BERGDAHL AND THE U.S. TRAGEDY IN AFGHANISTAN](#), in Criminal Law and Criminal Justice Books, July 2019.

Review of ALAN M. DERSHOWITZ, IS THERE A RIGHT TO REMAIN SILENT? COERCIVE INTERROGATION AND THE FIFTH AMENDMENT AFTER 9/11, in vol. 34, NATIONAL SECURITY LAW REPORT (ABA Standing Committee on Law and National Security), at 13 (Winter 2010) [3 pages].

Review of BEN SAUL, DEFINING TERRORISM IN INTERNATIONAL LAW, in 101 AMERICAN JOURNAL OF INTERNATIONAL LAW 938 (2007) [4 pages].

A Carbohic Smoke Ball for the Nineties: Class-Based Affirmative Action, 31 LOYOLA OF LOS ANGELES LAW REVIEW 213 (1997) [Review of RICHARD D. KAHLENBERG, THE REMEDY] [48 pages].

Review of JANET LOWE, THE SECRET EMPIRE: HOW 25 MULTINATIONALS RULE THE WORLD, 11 INTERNATIONAL TAX & BUSINESS LAWYER 241 (1993) [6 pages].

Editorials

[Rename a Portland school for the deserving Minoru Yasui](#), Oregonian, July 15, 2020.

[Is it terrorism or mass murder? That depends on our biases](#), WASH. POST, June 16, 2017.

[Hollywood's sexual-abuse double standard](#), OREGON LIVE/OREGONIAN, Aug. 1, 2015.

[Security Screening: Science or Sorcery](#), JURIST – Academic Commentary, Apr. 13, 2015.

[*A limited case for capital punishment*](#), OREGON LIVE/OREGONIAN, Mar. 7, 2015.

[*Embassy Bomber Faces Justice: What Do These Cases Say About Terrorism Prosecutions?*](#), JURIST – Academic Commentary, Feb. 20, 2015.

[*Donald Sterling and Bad Things Said in “Private.”*](#) JURIST – Forum, June 30, 2014.

[*Snowden's Defense is a Legal Minefield*](#), HANDELSBLATT (Germany), May 6, 2014.

[*Oversight Board May Lead to Surveillance Changes*](#), JURIST – Forum, Feb. 12, 2014.

[*Is Edward Snowden Guilty of US Espionage Charges*](#), JURIST – Forum, July 16, 2013.

[*Eric Holder: Prosecutorial Discretion and Extrajudicial Deaths*](#), JURIST – Forum, Sept. 26, 2012.

[*Analyzing Penn State's punishment through the lens of criminal justice*](#), THE OREGONIAN (THE STUMP), July 25, 2012.

[*Hedges v. Obama: Defining ‘Covered Persons’ Under the NDAA*](#), JURIST – Forum, May 28, 2012.

[*Targeted attacks on U.S. citizens: Holder leaves tough questions unanswered*](#), THE OREGONIAN (THE STUMP), Mar. 10, 2012.

[*Objecting to Secret Evidence Under FISA*](#), JURIST – Forum, Feb. 24, 2012.

[*Battlefield boundaries: A sober review of the National Defense Authorization Act*](#), THE OREGONIAN (The Stump), Dec. 19, 2011.

[*Executive Detention and the Presumption of Regularity*](#), JURIST – Forum, Dec. 10, 2011.

[*The Occupy movement: Why do numbers fall short for the “99 percent”?*](#), THE OREGONIAN, Nov. 15, 2011.

[*Why Portland should rejoin the terror task force*](#), THE OREGONIAN, Feb. 15, 2011, at B9.

[*Acceptable, unacceptable uses of non-retention*](#), IOWA CITY PRESS-CITIZEN, Nov. 7, 2010, at A7.

[*Let's not fool ourselves about Social Security's future*](#), THE OREGONIAN, Nov. 1, 2010, at A13.

[*ACLU's position on religious garb for teachers is counter to its underlying principles*](#), THE OREGONIAN (the Stump), Feb. 21, 2010.

When war model gets applied to non-state actors, IOWA CITY PRESS-CITIZEN, July 21, 2007, at 17A (reviewing POEMS FROM GUANTANAMO: THE DETAINEES SPEAK).

Military recruiting on campus and the Solomon Amendment, HARVARD RECORD, Feb. 9, 2006, at 8.

The case of Roberts v. Clinton, IOWA CITY PRESS-CITIZEN, Sept. 29, 2005, at 9A.

Enemy of the People?, IOWA CITY PRESS-CITIZEN, Sept. 18, 2005, at 11A.

If rules had been followed, Hamm still topples Yang, IOWA CITY PRESS-CITIZEN, Aug. 29, 2004, at 11B.

A justice's contempt for rule of law, IOWA CITY PRESS-CITIZEN, Aug. 20, 2003, at 11A.

What Will We Do If Saddam Is Captured?, IOWA CITY PRESS-CITIZEN, Mar. 21, 2003, at 9A.

Other Publications

A Government's Trustworthiness: Beyond the PATRIOT Act, IOWA ADVOCATE, vol. 42, at 10 (Fall/Winter 2004).

The Law of War, IOWA ADVOCATE, vol. 41, no. 2, at 6 (Fall/Winter 2003).

Perhaps They'll Let the Insultee Demand a Charity Boxing Match, WALL STREET JOURNAL, July 29, 1992, at B1.

Collectible Cards Sport an Eclectic Look, WALL STREET JOURNAL, July 16, 1992, at B1.

Sears Is Accused Of Billing Fraud At Auto Centers, WALL STREET JOURNAL, June 12, 1992, at B1.

Hawaiian Airlines Struggles to Win Back Local Fliers, WALL STREET JOURNAL, June 10, 1992, at B4.

The 1990 Census: The changing texture of California, CALIFORNIA JOURNAL, Apr. 1991, at 189.

Numerous other by-lines in THE SAN FRANCISCO DAILY JOURNAL (Fall 1991), THE SAN JOSE MERCURY NEWS (Summer 1991), THE WEST (CONTRA-COSTA) COUNTY TIMES (Spring 1991), THE BERKELEY VOICE (Winter-Spring 1991).

PANELS/PRESENTATIONS

"Regulating Protests: Balancing State Power against First Amendment Rights and Values," *Lewis & Clark Law School*, July 2020 (moderator) [virtual]

"Criminal Justice Reform Forum," *Lewis & Clark Law School*, June 2020 (with Aliza Kaplan and John Parry) [virtual]

["Watching the Terror Watchlist."](#) *Federalist Society*, teleconference, Apr. 2020 (with former DHS General Counsel Joe Whitley).

"National Security Lies," *Federalist Society*, Brigham Young University (J. Reuben Clark School of Law), Provo, UT, Oct. 2018.

"Conlawfare," *Federalist Society*, University of Colorado School of Law, Boulder, CO, Oct. 2017.

"Game of Drones: Defending Against Drone Terrorism," *Federalist Society*, University of Idaho School of Law, Boise, ID, Sept. 2017.

"Privacy and Surveillance – Challenges in a New Era," *2017 Oregon District Court Conference*, Portland, OR, Oct. 2017 (panel moderator).

"Retroactivity: Are Convictions Ever Final?," *National Alliance of Victims Rights and Advocates*, May 2017 (webinar).

"National Security Lies," *Federalist Society*, UC Davis School of Law, Davis, CA, Mar. 2017.

"Hot Topics in Legal Research: Presidential Executive Orders and How to Research Them," Lewis & Clark Law School, Portland, OR, Feb. 2017.

"Game of Drones: Defending Against Drone Terrorism," *Federalist Society*, McGeorge School of Law, Sacramento, CA, Nov. 2016.

"Human Trafficking," *Federalist Society*, Lewis & Clark Law School, Portland, OR, Oct. 2016 (commentary on Prof. Tessa Dysart's presentation).

"Q&A with the Honorable Shira Scheindlin," Lewis & Clark Law School, Portland, OR, Sept. 2016 (with John Parry).

"Defending al-Qaeda," Lewis & Clark Law School, Portland, OR, Mar. 2016 (panel with David Nevin and Rich Federico).

"Game of Drones: Defending Against Drone Terrorism," *Federalist Society*, Rutgers University School of Law, Jan. 2016.

"A Scale to Rank Private Misconduct by Public Officials," *Faculty Workshop*, Gonzaga University School of Law, Spokane, WA, Nov. 2015.

"Conflicts in Cannabis Law: Emerging and Future Challenges for State and Federal Practitioners," Federal Bar Ass'n (L&C Student Chapter), Portland, OR, Oct. 2015 [panel].

"The Death Penalty," Law Day Conference, *Classroom Law Project*, Portland, OR, Apr. 2015.

"I Pledge Allegiance: Navigating the Threat of Foreign Fighters," *Lewis & Clark College of Arts and Sciences*, International Affairs Symposium, Portland, OR, Apr. 2015.

"Building a Culture of Dialogue," *Oregon Bar Press Broadcasters Council*, Oregon State Bar, Tigard, OR, Mar. 2015.

"Why Didn't the Grand Jury Indict in the Ferguson and Staten Island Cases?," *Office for Institutional Diversity*, Reed College, Portland, OR, Feb. 2015.

"The Fourth Zone of Presidential Power," *Federalist Society*, Concordia University School of Law, Boise, ID, Nov. 2014 (debate with Prof. Chad DeVeaux).

"Religion and the Law in the Field and in Court," *Secular Legal Society*, Lewis & Clark Law School, Portland, OR, Nov. 2014.

"Undercover Sting Operations and Domestic Terrorism (aka Entrapment and the Mohamed Mohamud case)," *Criminal Law Society*, Lewis & Clark Law School, Portland, OR, Oct. 2014.

"Game of Drones: Defending Against Drone Attacks," *New Technology and Old Law: Rethinking National Security*, Texas A&M University School of Law, Fort Worth, TX, Oct. 2014.

"The Road to Legalization," *Students for Sensible Drug Policy/ACLU Student Chapter*, Lewis & Clark Law School, Portland, OR, Sept. 2014.

Southwest Criminal Law Conference, University of San Diego School of Law, San Diego, CA, Sept. 2014.

"Game of Drones: Defending Against Drone Attacks," *Federalist Society*, University of Oregon, Eugene, OR, Sept. 2014.

"Targeted Killings, Drones, and Civil Rights," *The Town Club*, Portland, OR, May 2014.

"White Collar Crime," *Criminal Law Society* and *Business Law Society*, Lewis & Clark Law School, Portland, OR, Nov. 2013.

"Legal Implications of U.S. Military Intervention in Syria," *International Law Society*, Lewis & Clark Law School, Portland, OR, Oct. 2013.

"Privacy v. Surveillance in Telecommunications," *Oregon State Bar Energy, Telecom and Utilities Section*, Portland, OR, Oct. 2013 [CLE presentation with Becky Straus, ACLU-Oregon].

"The Fourth Amendment and Privacy: Big Brother is Watching," *2013 ACLU Northwest Civil Liberties Conference*, Lewis & Clark Law School, Portland, OR, Sept. 2013 (moderated panel).

"Government's Role in an Age of Terrorism," *Cooley House Dinner*, Lewis & Clark College, Portland, OR, Sept. 2013.

Southwest Criminal Law Conference, University of California, Davis School of Law, Davis, CA, Sept. 2013.

"Targeted Killings, Drones, and Civil Rights," *Multnomah Athletic Club*, Portland, OR, Apr. 2013.

"Undercover Sting Operations and Domestic Terrorism (aka Entrapment and the Mohamed Mohamud case)," *Federalist Society*, University of Oregon, Eugene, OR, Mar. 2013.

"Entrapment's Failure: Attempting to Regulate Undercover Sting Operations Aimed at Stopping Domestic Terrorism," *Faculty Workshop*, Lewis & Clark Law School, Portland, OR, Mar. 2013.

"Wrongful Convictions Panel: What Went Wrong?," *Oregon Justice Resource Center*, Portland, OR, Mar. 2013 [with Prof. Aliza Kaplan].

"Day of Remembrance," *Portland Japanese-American Citizens League*, Portland State University,

Portland, OR, Feb. 2013.

"Undercover Sting Operations and the Entrapment Defense in the Context of Domestic Terrorism," *Faculty Workshop*, Nebraska Law School, Lincoln, NE, Nov. 2012.

Post-Conviction Sanctions For Sex Offenders Discussion, *ACLU (Student Chapter)*, Lewis & Clark Law School, Portland, OR, Nov. 2012.

"The Future of Robotic Warfare," *Think & Drink*, Oregon Humanities Council, Portland, OR, Oct. 2012 [with former Air Force Chief of Staff Merrill "Tony" McPeak].

"Scalia was wrong?! A Discussion on Marijuana Legalization," *Federalist Society*, Lewis & Clark Law School, Portland, OR, Sept. 2012 [with Doug Bandow of the Cato Institute].

Commentary on Dr. James Carafano's Presentation, "National Security and Foreign Policy Updates: A View From Inside Washington," *Federalist Society*, Lewis & Clark Law School, Portland, OR, Apr. 2012.

Commentary on Dean Deanell Tacha's presentation, "First Principles," *Federalist Society*, Lewis & Clark Law School, Portland, OR, Mar. 2012.

Debate with Professor Afsheen John Radsan on the Targeted Killing of Anwar al-Aulaqi, *Federalist Society*, Lewis & Clark Law School, Portland, OR, Feb. 2012.

Wrongful Conviction Panel, *ACLU (Student Chapter)*, *National Lawyers Guild (Student Chapter)*, and *Criminal Law Society*, Lewis & Clark Law School, Portland, OR, Feb. 2012.

"Unlawful Assassination or Lawful Targeted Killing?," *Beyond the Classroom Candid Conversation*, University of Iowa College of Law, Iowa City, IA, Jan. 2012.

"Were Timothy McVeigh and the Unabomber the Only White Terrorists?," *Faculty Workshop*, University of Iowa College of Law, Iowa City, IA, Jan. 2012.

"The First Amendment and National Security," *2011 ACLU Northwest Civil Liberties Conference*, Lewis & Clark Law School, Portland, OR, Oct. 2011 (moderated CLE panel).

Commentary on Professor Stephanos Bibas' presentation "Against Civil Gideons," *Federalist Society*, Lewis & Clark Law School, Portland, OR, Oct. 2011.

"Unlawful Assassination or Lawful Targeted Killing?," *Bringing Lewis & Clark Downtown CLE Series*, Portland, OR, Oct. 2011 (CLE).

"Ten Years of Legal Evolution: The Architecture of U.S. Counterterrorism Law from September 10, 2001 to the Present," *Investigating Terrorism: How the Detection, Investigation, and Prosecution of Criminal Activity Has Changed Since 9/11*, Elon University School of Law, Greensboro, NC, Oct. 2011.

"Were Timothy McVeigh and the Unabomber the Only White Terrorists?," *Race and Criminal Justice in the West*, Gonzaga University School of Law, Spokane, WA, Sept. 2011.

Debate on Federal Overcriminalization with Professor John Baker, *Federalist Society*, Lewis & Clark Law School, Portland, OR, Sept. 2011.

"Ten Years of Legal Evolution: The Architecture of U.S. Counterterrorism Law from September 10, 2001 to the Present," *9/11 + 10: A Tenth Anniversary Commemoration of the 2001 Terrorist Attacks*, Lewis & Clark College, Portland, OR, Sept. 2011.

"Domestic Counterterrorism, Joint Terrorism Task Forces, and Civil Liberties," *Nat'l Asian Pacific American Bar Ass'n Western Regional Conference*, Portland, OR, June 2011 (moderated CLE panel).

A Decade of Transformation: The Continuing Impact of 9/11 on National Security and Civil Liberty in America, Florida Coastal School of Law, Jacksonville, FL, Mar. 2011 (panel).

American Freedom Alliance Lecture Series, *The Rise of Lawfare, the Politicization of International Law, and the Challenges to U.S. Sovereignty*, internet conference, Jan. 2011.

"Diverse Diversity," *Faculty Workshop*, Loyola of Los Angeles Law School, Los Angeles, CA, Jan. 2011.

National Security Law Retreat, William Mitchell College of Law, St. Paul, MN, Sept. 2010.

Commenter on D. Katherine Darmer, National Security, Civil Liberties, and the War on Terror, *Southwest Criminal Law Conference*, University of Colorado School of Law & University of Denver Sturm College of Law, Boulder & Denver, CO, Aug. 2010.

Debate on the Obama Administration's National Security Policy with Professor A. John Radsan, *Federalist Society*, Lewis & Clark Law School, Portland, OR, Mar. 2010.

"Broken Promises or Unrealistic Expectations?: Comparing the Bush and Obama Administrations on Counterterrorism," *A Critical Juncture: Human Rights and U.S. Standing in the World Under the Obama Administration*, The University of Iowa College of Law, Iowa City, IA, Mar. 2010.

"Through a Screen Darkly: Hollywood as a Measure of Discrimination Against Arabs and Muslims," *Muslim in America: The New Face of Discrimination*, Duke University School of Law, Durham, NC, Feb. 2010.

"Terrorism and 24," *Philip G. Hubbard Law School Preparation Program*, University of Iowa College of Law, Iowa City, IA, June 2009.

"Independent Appellate Review of Knowledge of Falsity in Defamation and False Statements Cases," *Midwest People of Color Legal Scholarship Conference*, Iowa City, IA, May 2009.

Commentary on Paper by Professor Jamelle Sharpe, *Midwest People of Color Legal Scholarship Conference*, Iowa City, IA, May 2009.

"Boumedienne and Lawfare," *Detention of Suspected Terrorists: Past, Present, Future* (Allen Chair Symposium), University of Richmond School of Law, Richmond, VA, Apr. 2009.

The Future of American Policy Toward the Middle East in the Obama Administration, University of Iowa College of Law, Iowa City, IA, Mar. 2009 (discussion panel).

"Independent Appellate Review of Knowledge of Falsity in Defamation and False Statements Cases," *Faculty Workshop*, Lewis & Clark Law School, Portland, OR, Jan. 2009.

"Distinguishing Soldiers and Non-State Actors: Clarifying the Geneva Convention's Regulation of Interrogation of Captured Combatants Through Positive Inducements," *Faculty Workshop*, University of Illinois College of Law, Champaign-Urbana, IL, Sept. 2008.

"Great Minds Think Alike: The 'Torture Memo,' OLC, Law Clerks, and Sharing the Boss's Mindset," *Presidential Power in the 21st Century*, Willamette University, Salem, OR, Sept. 2008.

"Terrorism and 24," *Philip G. Hubbard Law School Preparation Program*, University of Iowa College of Law, Iowa City, IA, June 2008.

"Carrots and Sticks: Updating and Clarifying the Geneva Convention's Regulation of Interrogation of Captured Combatants," *National Security Law Junior Faculty Workshop*, Wake Forest University School of Law, Winston-Salem, NC, May 2008.

"Issues Facing the Federal Judiciary Today," *Iowa Law Review Symposium, Procedural Justice*, University of Iowa College of Law, Iowa City, IA, Feb. 2008 (moderated panel of federal judges).

"New York Times Co. v. United States: A Re-enactment," University of Iowa College of Law, Iowa City, IA, Jan. 2008 (played Justice Harlan and participated in subsequent panel discussion with Sandy Unger and Daniel Ellsberg).

"The Battle for the Pentagon Papers: Pre-Performance Discussion," University of Iowa Osher Lifelong Learning Institute, Iowa City, IA, Jan. 2008.

"Jack Bauer Syndrome: Hollywood's Depiction of National Security Law," *Law and Order: SVU – Sexuality, Videos, and You*, American Association of Law Schools, Annual Meeting, Section of Law and Humanities, New York, NY, Jan. 2008.

National Security Retreat, William Mitchell College of Law, St. Paul, MN, Sept. 2007.

"Law Enforcement and the Dangers of Discretion," *Northeastern People of Color Conference*, Southern New England School of Law, MA, Sept. 2007 (discussion panel).

"The Military Commissions Act of 2006, Access to Courts, and the Latest Round of Detainee Litigation," *Southeastern Association of Law Schools Annual Meeting*, Amelia Island, FL, Aug. 2007 (discussion panel).

Linn County Bar Association, Summer Outing CLE, Cedar Rapids, IA, July 2007.

"Enemies of the State: Rational Classification in the War on Terrorism," *Crimes, War Crimes, and the War on Terrorism Symposium*, Lewis & Clark Law School, Portland, OR, Apr. 2007.

"Hamdan and Detention of Enemy Combatants," *Executive Power: Exploring the Limits of Article II Symposium*, Temple University (Beasley School of Law), Philadelphia, PA, Mar. 2007

(discussion panel).

"Carrots and Sticks: Updating and Clarifying the Geneva Convention's Regulation of Interrogation of Captured Combatants," *Faculty Workshop*, Wake Forest University School of Law, Winston-Salem, NC, Feb. 2007.

"*Hamdan v. Rumsfeld*: The War on Terror and the Rule of Law," *CLE*, University of Iowa College of Law, Iowa City, IA, Oct. 2006.

Governing and Living in a Time of Terrorism Conference, University of California, Berkeley (Boalt Hall), Berkeley, CA, Sept. 2006 (invited workshop participant).

"Carrots and Sticks: Updating and Clarifying the Geneva Convention's Regulation of Interrogation of Captured Combatants," *First Annual Big Ten UnTENured Conference, Workshop*, Indiana University Maurer School of Law, Bloomington, IN, Aug. 2006.

"The Changing Paradigm of Article II," *Southern Eastern Association of Law Schools Annual Meeting*, Palm Beach, FL, July 2006 (discussion panel).

"Minority Lawyers Panel," *29th Annual Bridging the Gap Minority Pre-Law Conference*, University of Iowa College of Law, Iowa City, IA, Mar. 2006.

"Carrots and Sticks: Updating and Clarifying the Geneva Convention's Regulation of Interrogation of Captured Combatants," *Faculty Workshop*, William Mitchell College of Law, St. Paul, MN, Mar. 2006.

"The War on Terrorism: National Security vs. Civil Liberties," *University of Iowa Alumni Association, Lifelong Learning Series*, Cedar Rapids, IA, Jan. 2006.

"Coercion and Terrorism Prosecutions in the Shadow of Military Detentions," *Faculty Workshop*, Loyola of Los Angeles Law School, Los Angeles, CA, Oct. 2005.

"Coercion and Terrorism Prosecutions in the Shadow of Military Detentions," *Faculty Workshop*, Southwestern University School of Law, Los Angeles, CA, Oct. 2005.

"Law in the Aftermath of Hurricane Katrina," University of Iowa College of Law, Iowa City, IA, Sept. 2005 (discussion panel).

"The Legality of Detaining Persons Captured in the War on Terror," *International Law Society*, University of Iowa College of Law, Iowa City, IA, Apr. 2005 (discussion panel).

"Preparing for the Law School Admission Test," *28th Annual Bridging the Gap Minority Pre-Law Conference*, University of Iowa College of Law, Iowa City, IA, Mar. 2005.

"The Role of Article III Courts in the War on Terrorism," *American Constitutional Society*, University of Georgia School of Law, Athens, GA, Feb. 2005.

"Ending the War on Terrorism One Terrorist at a Time," *Faculty Workshop*, University of Georgia School of Law, Athens, GA, Feb. 2005.

"The War on Terrorism: Constitutional Perspectives on the Guantanamo Bay Detainee Case," *2d Annual Folwell Lecture*, St. Ambrose University, Davenport, IA, Sept. 2004.

"The Impact of the USA PATRIOT Act on International Students and Civil Liberties," University of Iowa Graduate School of Education, Iowa City, IA, Apr. 2004 (discussion panel).

"Minority Lawyers Panel," *27th Annual Bridging the Gap Minority Pre-Law Conference*, University of Iowa College of Law, Iowa City, IA, Mar. 2004.

"More Than Number Theory: Reasonable Doubt and Emerging Technologies," *Faculty Workshop*, University of Iowa College of Law, Iowa City, IA, Mar. 2004.

"More Than Number Theory: Reasonable Doubt and Emerging Technologies," *Faculty Workshop*, University of Kansas School of Law, Lawrence, KS, Mar. 2004.

Debate with U.S. Attorney Charles Larson, Sr., *The War on Terror: Are We Losing Civil Liberties to Gain National Security?*, Cornell College, Mount Vernon, IA, Feb. 2004.

"Nuclear Deterrence and the Death Penalty," *Faculty Workshop*, University of Iowa College of Law, Iowa City, IA, Apr. 2003.

"From *Plessy* to *Brown*: The NAACP's Strategy to Litigate Segregation," *26th Annual Bridging the Gap Minority Pre-Law Conference*, University of Iowa College of Law, Iowa City, IA, Mar. 2003.

"War with Iraq," *International and Comparative Law Program*, University of Iowa College of Law, Iowa City, IA, Feb. 2003 (discussion panel).

"Dealing Successfully with an SEC Investigation," *CLE*, Munger Tolles & Olson LLP, Los Angeles, CA, Sept. 2001.

"Liability for Killing Civilians During Antiterrorism Actions," *CLE*, Munger Tolles & Olson LLP, Los Angeles, CA, May 2000.

ACADEMIC APPOINTMENTS

Lewis & Clark (2009 – present):

Law Faculty Service (Committee and Working Groups): Admissions Committee (Fall 2010-Spring 2014); Admissions Strategy (Fall 2013 – Spring 2014); Colloquia (2009-2010; as Chair, Fall 2013 – present); Criminal Law and Procedure Group (2009-present; as Chair, 2013-16); Working Group on Judicial Clerkships (Convener, 2009-2011; Member 2011-2013); Ad Hoc Committee on Rules and Procedures for Tenure and Promotion of Skills Faculty (Spring 2010); Appointments (2016-17; Chair, 2018 - present); Judicial Boards and Investigations (2016-17).

Other Faculty Service: Faculty Advisor, Lewis & Clark Law School Chapter, Federalist Society (Fall 2011-present); Member, Faculty Board of Advisors, *Lewis & Clark Law Review* (Fall 2011-present); Law Faculty Representative to the Lewis & Clark Board of Trustees (2011-2012, 2019-2020); College of Arts and Sciences Dean Search Committee (Summer 2014 – Spring

2015).

University of Iowa (2002-2009):

Law Faculty Committee Service: Faculty Appointments (2007-2009); Student Honors and Awards (2006-2007); Curriculum (2006-2007); Curriculum Policy (2004-2006); Academic Standards and Review (2004-2005); Academic Rules (2002-2004); Retention (2003-2004); Student Services (2002-2003).

Other Faculty Service: Judicial Clerkship Advisor (2005-2009); Faculty Advisor, *Iowa Law Review* (2007-2009); University Faculty Senate Member (2008-2009); Law School Ombudsperson (2007-2008); University Awards and Recognition Committee (2008-2009); Ad Hoc Committee on Self-Reporting of Convictions (Spring 2009).

EXTERNAL REVIEWER

Edward Elgar (2021)

- Reviewed book proposal.

Routledge (2017)

- Reviewed book proposal.

Aspen Publications (2008, 2010, 2011)

- Reviewed casebook proposal.

University of Michigan Press (2008, 2011)

- Reviewed academic book proposal; reviewed academic book manuscript.

University of Michigan APALSA 1L Summer Fellowship (2005-06)

- Reviewed applications from University of Michigan law students for summer fellowship.

EDUCATION

University of California, Berkeley, CA

J.D., 1995.

- Order of the Coif
- Notes & Comments Editor, *California Law Review*
- Member, Moot Court Board
- American Jurisprudence or Jurisprudence awards: Federal Criminal Law; Complex Civil Litigation; Current U.S. Supreme Court Cases Seminar
- Teaching Assistant: Legal Research and Writing (Fall 1993); Law and Economics I (undergraduate course) (Fall 1993 and 1994)

University of California, Berkeley, CA

M.J. (Journalism), 1992.

California Institute of Technology, Pasadena, CA

B.S. (Economics), 1988.

- First Place, 41st McKinley Fiction Writing Competition

PRIOR LEGAL EMPLOYMENT

Munger Tolles & Olson LLP, Los Angeles, CA

Associate, Dec. 1998-May 2002.

Primary areas of concentration: white collar criminal defense; employment litigation; death penalty habeas corpus; SEC investigations.

The Hon. J. Clifford Wallace, U.S. Court of Appeals (9th Cir.), San Diego, CA

Law Clerk, Aug. 1997-Aug. 1998.

The Hon. William J. Holloway, Jr., U.S. Court of Appeals (10th Cir.), Oklahoma City, OK

Law Clerk, Sept. 1996-Aug. 1997.

The Hon. Edward Rafeedie, U.S. District Court (C.D. Cal.), Los Angeles, CA

Law Clerk, Aug. 1995-Aug. 1996.

Mitchell Silberberg & Knupp, Los Angeles, CA

Summer Associate, May 1994-Aug. 1994.

BAR ADMISSIONS AND PROFESSIONAL MEMBERSHIPS

- States: California (1996) (by exam; inactive); Iowa (2003) (by motion; inactive).
- U.S. Court of Appeals: Ninth Circuit, Tenth Circuit (1996).
- U.S. District Court: Central, Eastern, Northern, Southern Districts of California (1999).
- Member, Oregon Asian Pacific American Bar Association.