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EDUCATION

Graduate

Juris Doctor, 2001, Columbia Law School, New York, NY; *summa cum laude*. Essay and Review Editor, *Columbia Law Review*. Staff, *Columbia Journal of Gender and Law* (1999).

- Prizes and honors: John Ordronaux Prize (awarded to graduating student with highest GPA) (2001). Emil Schlesinger Prize for Labor Law (2001). Charles Bathgate Beck Prize in Property Law (2000). James Kent Scholar (awarded annually to highest-ranking two percent of each class) (1999, 2000, 2001).
- Fellowships: American Foreign Law Association John Hazard Scholarship (2002) (research on foreign law). Human Rights Internship Program (1999, 2000).

Undergraduate

Bachelor of Arts, 1996 (International studies and French), University of North Carolina at Chapel Hill, Chapel Hill, North Carolina, *summa cum laude*.

- Prizes and honors: John Motley Morehead Scholarship 1992-1996 (merit-based scholarship awarding full tuition and expenses for four years). Jacques Hardre Undergraduate Award for Excellence in French (1996). Phi Beta Kappa (1996).

Fellowships and Grants

National Science Foundation, 2008: Co-investigator on empirical research project No. NSF0751874, concerning Muslims in the U.S. and U.K. and policing against terrorism (with Tom R. Tyler and Stephen J. Schulhofer).

Carnegie Scholars Fellowship, 2006: Two-year partial fellowship to study counterterrorism law, free speech, and Muslim minorities in North America and Europe.

Columbia Law School Human Rights Fellowship, 2002-2003: Year-long fellowship to conduct human-rights work in Afghanistan.

CLERKSHIPS

Law Clerk to Associate Justice Ruth Bader Ginsburg, Supreme Court of the United States, July 2003 - July 2004.

Law Clerk to Honorable Robert D. Sack, United States Court of Appeals for the Second Circuit, New York, New York, September 2001 - September 2002.

EMPLOYMENT

Frank and Bernice J. Greenberg Professor of Law, University of Chicago Law School, January 2016 – present.

- Previous titles: Professor of Law, June 2013-December 2015; Herbert & Marjorie Fried Teaching Scholar, July 2013-July 2015; Assistant Professor, July 2009–June 2013; Lecturer in Law, March 2009 – June 2009.
- Courses taught: Constitutional Law I; Legislation and Statutory Interpretation; Federal Habeas Corpus; Criminal Procedure: Investigations; Federal Courts; Federal Counterterrorism Law; International Humanitarian Law; Theories of Constitutional Interpretation; Constitutional Law Workshop.
- Greenberg Seminars: 2009-10: The Global Financial Crisis (with Prof. Eric Posner). 2010-11: Evil Markets? (with Prof. Todd Henderson); 2011-12: U.S. Foreign Policy after the Arab Spring (with Profs. Daniel Abebe & Eric Posner); 2012-13: Race and Place in Chicago (with Prof. Daniel Abebe); 2013-14: States and Markets in American History (with Prof. Laura Weinrib); 2014-15: The Limits of Democracy (with Prof. Adam Chilton); 2015-16: Slavery and its Aftermaths (with Prof. Daniel Abebe); 2016-17: When will America be Post-Racial? (with Prof. Daniel Abebe); 2017-18: What is Racism? (with Prof. Daniel Abebe).
- Institutional service: Appointments (Chair) 2016-2018; Bigelow Fellowship Program 2014 – 2016; Appointments Committee 2011-12; Clerkships Committee 2012-14; Public Service Committee 2011-13; Rules and Petitions Committee 2012-13; Works-in-Progress Committee 2009-11.
- Editorial positions: *Law and Social Inquiry* Editorial Board (2018-20).
- External peer reviewer: *American Journal of Political Science*, *Political Science Quarterly*, *Journal of Empirical Legal Studies*, *Criminology*, *Journal of Quantitative Criminology*, *Law and Society Review*, *Law and Social Inquiry*, *Law and History Review*, *Crime & Delinquency*, *Harvard Law Review*, *Yale Law Journal*, *Stanford Law Review*, *University of Chicago Law Review*, *Regulation and Governance*, *Congress and the Presidency*, *Behavioral Sciences of Terrorism and Political Aggression*, *Oxford University Commonwealth Law Journal*, *Journal of Policing, Intelligence and Counter-Terrorism*, Israel Science Foundation, Cambridge University Press, Yale University Press, Oxford University Press, University of Chicago Press, Polity Press, Routledge Press, NYU Press, University of Michigan Press, and University of Kansas Press.
- Contributor: University of Chicago consultation team on Kenyan constitution-making, 2009-10.
- Teaching awards: Graduating Students’ Award for Teaching Excellence 2015. Selected by student vote to be Faculty Graduation ‘Hooder,’ June 2013 and June 2015

Cooperating Counsel, Muslim Advocates 2012-present. Of counsel to plaintiffs in *Hassan et al. v. City of New York* (religious profiling challenge) and amicus briefing in *State of Washington v. Trump* and *IRAP v. Trump*; counsel in suit challenging the so-called ‘travel ban.’

Cooperating Counsel, ACLU of Illinois 2015-present. Of counsel in challenge to, and agreement respecting, City of Chicago’s use of stop-and-frisk.

Director, Liberty and National Security Project, The Brennan Center for Justice at New York University School of Law, November 2005 – March 2009. Trial and appellate counsel for petitioners in *al-Marri v. Pucciarelli*, *Omar v. Geren*, and *Munaf v. Geren*. Appellate counsel for amici in several U.S. Supreme Court and Courts of Appeals matters.

Associate Counsel, The Brennan Center for Justice at New York University School of Law, Democracy Program, November 2004 - November 2005. Trial counsel for plaintiffs in *USAID v. Alliance for Open Society Int’l* and *ACORN v. Secretary of State of CT*; appellate counsel for amicus in various other democracy related cases, including *Caperton v. A.T. Massey Coal Co.*

Adjunct Professor of Law, New York University School of Law, “War, Crime and Terror” Seminar (with Prof. Tom Gerety), Spring 2007, Spring 2008.

Consultant Senior Analyst, South Asia Department International Crisis Group, Brussels, Belgium, November 2004 – 2009.

Analyst, South Asia Department (Afghanistan), International Crisis Group, Brussels, Belgium, January – July 2003.

PUBLICATIONS

Books

How to Save a Constitutional Democracy (University of Chicago Press, forthcoming 2018) (with Tom Ginsburg). ([Amazon](#))

“The Empire of Disgust”: Prejudice, Stigma, and Discrimination in India and the U.S. (Oxford University Press, forthcoming 2018) (edited with Martha Nussbaum, Vidhu Verma, and Zoya Hasan).

Assessing Constitutional Performance (Cambridge University Press, 2016) (edited with Tom Ginsburg).

Unchecked and Unbalanced: Presidential Power in a Time of Terror (New Press, March 2007) (with Frederick A.O. Schwarz, Jr.).

Law Reviews

Racial Equity in Algorithmic Criminal Justice, 68 Duke Law Journal – (forthcoming 2019).

- Separation of Powers Metatheory*, 118 Columbia Law Review 1517 (2018).
- Apparent Fault*, 131 Harvard Law Review 1525 (2018) (with Genevieve Lakier).
- What is Discriminatory Intent?*, 103 Cornell Law Review – (forthcoming 2018).
- Legal or Political Checks on Apex Criminality: An Essay on Constitutional Design*, 65 UCLA Law Review – (forthcoming 2018).
- Terrorism and Democratic Recession*, 85 University of Chicago Law Review 457 (2018)
- The Coming Demise of Liberal Constitutionalism?*, 85 University of Chicago Law Review 239 (2018) (with Tom Ginsburg and Mila Versteeg)
- The People against the Constitution*, 116 Michigan Law Review 1123 (2018).
- How to Lose a Constitutional Democracy*, 65 UCLA Law Review 78 (2018) (with Tom Ginsburg).
- Democratic Erosion and the Courts: Comparative Perspectives*, 92 NYU L. Rev. Online 21 (2018).
- Institutional Loyalties in Constitutional Law*, 85 University of Chicago Law Review 1 (2018) (with David Fontana).
- The President and the Detainees*, 164 University of Pennsylvania Law Review 499 (2017).
- The Consequences of Disparate Policing*, 101 Minnesota Law Review 2397 (2017).
- Preemption Deals*, 85 George Washington Law Review 226 (2017).
- The Cycles of Separation-of-Powers Jurisprudence*, 126 Yale Law Journal 346 (2016) (with Jon D. Michaels).
- The Constitutional Law of Agenda Control*, 104 California Law Review 1401 (2016).
- Litigating the Blue Wall of Silence*, 2016 University of Chicago Legal Forum 213 (2016) (with Richard McAdams).
- How the Fourth Amendment and the Separation of Powers Rise (and Fall) Together*, 83 University of Chicago Law Review 139 (2016).
- The Difficulties of Democratic Mercy*, 103 California Law Review 1679 (2015).

Judicial Independence and the Rationing of Constitutional Remedies, 65 Duke Law Journal 1 (2015).

- Featured on Jotwell (<http://courtslaw.jotwell.com/rationing-constitutional-justice/>)

The Article III Problem in Bankruptcy, 82 University of Chicago Law Review 1155 (2015) (with Anthony J. Casey).

- Selected for the 2015 Harvard/Stanford/Yale Junior Faculty Forum

The Negotiated Structural Constitution, 114 Columbia Law Review 1535 (2014).

Does the Logic of Collective Action Explain Federalism Doctrine?, 66 Stanford Law Review 217 (2014).

The Function of Article V, 162 University of Pennsylvania Law Review 1165 (2014).

Habeas and the Roberts Court, 81 University of Chicago Law Review 519 (2014).

- Winner, Junior Scholars Paper Competition Award, 2013 AALS Section on Criminal Justice

Libertarian Separation of Powers, 8 NYU Journal of Law and Liberty 1006 (2014).

Standing for the Structural Constitution, 99 Virginia Law Review 1435 (2013).

Removal as a Political Question, 65 Stanford Law Review 1 (2013).

The Social Production of National Security, 98 Cornell Law Review 637 (2013).

Tiers of Scrutiny in Enumerated Powers Jurisprudence, 80 University of Chicago Law Review 575 (2013).

Foreign Affairs Federalism: A Revisionist Approach, 66 Vanderbilt Law Review 723 (2013) (with Daniel Abebe).

Enforcing (but not Defending) 'Unconstitutional' Laws, 98 Virginia Law Review 1001 (2012).

Structural Constitutionalism as Counterterrorism, 100 California Law Review 887 (2012)

Forum Choice for Terrorism Suspects, 61 Duke Law Journal 1415 (2012).

The Institution Matching Canon, 106 Northwestern University Law Review 417 (2012).

When was Judicial Self-Restraint?, 100 California Law Review 579 (2012).

Binding the Executive (by law or by politics), 79 University of Chicago Law Review 777 (2012).

Preserving Political Speech from Ourselves (and Others), 112 Columbia Law Review Sidebar 16 (2012).

The Political Path of Detention Policy, 48 American Criminal Law Review 1531 (2012).

The Signaling Function of Religious Speech in Counterterrorism, 89 Texas Law Review 833 (2011).

Private Religious Discrimination, National Security, and the First Amendment, 5 Harvard Law and Policy Review 347 (2011).

American Policing at a Crossroads: Unsustainable Policies and the Procedural Justice Alternative 101 Journal of Criminal Law & Criminology 335 (2011) (with Tom R. Tyler & Stephen J. Schulhofer).

Against National Security Exceptionalism, 2010 Supreme Court Review 225.

Easterbrook on Academic Freedom, 77 University of Chicago Law Review 1055 (2010).

What Good is Habeas? 26 Constitutional Commentary 385 (2010).

Modeling Terrorist Radicalization, 2 Duke Forum on Law and Social Change 39 (2010).

The Hirota Gambit, 62 Annual Survey of American Law 63 (2007).

Uncertain Laws in Uncertain Times: Emergency Powers and Lessons from South Asia, 13 Constellations 89 (2006).

Introduction to Symposium on Immigration and Assimilation, 10 NYU Journal of Legislation and Public Policy 445 (2006).

Note, *Peonage and Contractual Labor*, 101 Columbia Law Review 351 (2001).

Peer Reviewed Journals

Algorithmic decision making and the cost of fairness, Proceedings of KDD '17 (2017) (with S. Corbett-Davies, E. Pierson, A. Feller & S. Goel).

Community-Led Counterterrorism, 39 Studies in Conflict and Terrorism 1 (2017).

Legitimizing Practices: Revisiting the Predicates of Police Legitimacy, 57 British Journal of Criminology 1101 (2017) (with Jonathan P. Jackson and Richard Trinkner).

The Predicates of Military Detention at Guantánamo: The Role of Individual Acts and Affiliations, 13 *Journal of Empirical Legal Studies* 467 (2016).

The Psychology of Corporate Rights: Perceptions of Corporations' vs. Individuals' Rights to Religious Liberty, Free Speech, and Privacy, 40 *Law and Human Behavior* 195 (2016) (with Moran Cerf and Avital Mentovich).

Review of Children of the Prison Boom: Mass Incarceration and the Future of American Inequality, 49 *Law & Society Review* 282 (2015).

What Can Constitutions Do? The Afghan Case, 25 *Journal of Democracy* 116 (2014) (with Tom Ginsburg).

What Price Fairness when Security is at Stake? Police Legitimacy in South Africa, 7 *Regulation & Governance* 246 (2014) (with Ben Bradford, Jonathan P. Jackson, & Ben Roberts).

Review of The Constitution of Risk, 129 *Political Science Quarterly* 525 (2014).

Monopolizing Force? Police Legitimacy and Public Attitudes toward the Acceptability of Violence, 19 *Psychology, Public Policy, and Law* 479 (2013) (with Jonathan P. Jackson, Ben Bradford, & Tom R. Tyler).

The Political Psychology of Counterterrorism, 9 *Annual Review of Law and Social Science* 71 (2013).

Mechanisms for eliciting cooperation in counter-terrorism policing: The case of Muslims in London, 8 *Journal of Empirical Legal Studies* 728 (2011) (with Tom R. Tyler & Stephen J. Schulhofer).

How do the purpose and target of policing affect public cooperation? A study of policing crime and policing terrorism in different minority communities, 17 *Psychology, Public Policy & Law* 419 (2011) (with Tom R. Tyler & Stephen J. Schulhofer).

Legitimacy and Deterrence Effects in Counter-Terrorism Policing: A Study of Muslim Americans, 44 *Law & Society Review* 405 (2010) (with Tom R. Tyler & Stephen J. Schulhofer).

The War on Crime as Precursor to the War on Terror, 36 *International Journal of Law, Crime, and Justice* 215 (2008) (with Christopher Muller).

Mechanisms of Political Capture in Pakistan's Superior Courts, 10 *Yearbook of Islamic and Middle Eastern Law* 1 (2006).

Book Chapters

“How War Makes (and Unmakes) the Democratic State: Reading *The Reluctant Fundamentalist* and *Exit West* In A Populism Age,” in *War and Law in Literature* (Alison LaCroix et al., eds.) (Oxford University Press, forthcoming 2019).

“Defining and Tracking the Trajectory of Liberal Constitutional Democracy,” in *Constitutional Democracy in Crisis?* (Mark Graber et al., eds.) (Oxford University Press, forthcoming 2018) (with Tom Ginsburg).

“What is the Case against Muslims?” in “*The Empire of Disgust*”: *Prejudice, Stigma, and Discrimination in India and the U.S.* (Martha Nussbaum, Aziz Huq, Vidhu Verma, and Zoya Hasan, eds.) (Oxford University Press, forthcoming 2018).

“The Uses of Religious Identity, Practice, and Dogma in ‘Soft’ and ‘Hard’ Counterterrorism,” in *Security and Human Rights* (Liora Lazarus and Benjamin Goold eds.) (Hart, forthcoming 2018).

“Classical Liberalism, Race, and Mass Incarceration,” in *The Future of Classical Liberalism* (Todd Henderson ed.) (Cambridge University Press, forthcoming 2018).

“Constitutionalism, Legitimacy, and Public Order: A South African Case Study,” in *Constitutional Triumphs, Constitutional Disappointments* (Rosalind Dixon and Theunis Roux, eds.) (Cambridge University Press, 2018).

“How we Lost Constitutional Democracy,” in *Can It Happen Here? Authoritarianism in America* 135 (Cass Sunstein, ed.) (Dey Street Books, 2018) (with Tom Ginsburg).

“Introduction” (co-authored with Tom Ginsburg), and “Hippocratic Constitutionalism”, in *Assessing Constitutional Performance* (Tom Ginsburg and Aziz Huq, eds.) (Cambridge University Press, 2016).

“Agency Slack in the Administration of Criminal Justice: The Problem of Remedies,” in *The Routledge Handbook of Criminal Justice Ethics* (J.P. Jackson & J. Jacobs, eds.) (Routledge, 2016).

“Federalism, Liberty, and Risk in *NFIB v. Sebelius*”, in *The Future of Healthcare Reform in the U.S.* (A. Malani & M. Schill, eds.) (University of Chicago Press, 2015).

“A Liberal Justice’s Limits: Justice Ruth Bader Ginsburg and the American Criminal Justice System,” in *The Legacy of Justice Ginsburg* (S. Dodson, ed.) (Cambridge University Press, 2015).

“Introduction,” in *Terrorism: Commentary on Security Documents*, Vol. 108 (Extraordinary Rendition) (Oxford University Press, 2010).

“The Story of Hamid Karzai: The Paradoxes of State-Building and Human Rights,” in *Human Rights Advocacy Stories* (Foundation Press, 2009).

“The Commander-in-Chief after 9/11,” in *The Impact of 9/11 and the New Legal Landscape* (Palgrave MacMillan, 2009).

“Limited Empathy,” in *The Guantanamo Lawyers: Inside a Prison Outside the Law* (NYU Press, 2009).

“Human Rights,” “Guantánamo,” “The Patriot Act,” and “Divorce,” in *The Encyclopedia of Islam in America* (Greenwood Press, 2008).

“The New Counterterrorism: Investigating Terrorism, Investigating Muslims,” in *Liberty Under Attack: Reclaiming Our Freedoms in an Age of Terror* (Public Affairs, 2007).

“Democratic Norms, Human Rights and States of Emergency: Lessons from the Experience of Four Countries,” in *Democracy, Conflict and Human Society* (International Institute for Democracy and Electoral Assistance, 2006).

“Bitter Fruit: Constitutional Gender Equality Comes to the Military,” in *One of the Guys: Women as Aggressors and Torturers* (Seal Press, 2006).

Non-Academic Articles (Selected)

What the Supreme Court’s Masterpiece Cakeshop Ruling Could Mean for Trump’s Travel Ban, Fortune, June 5, 2018, <http://fortune.com/2018/06/05/supreme-court-masterpiece-cakeshop-trump-travel-ban/>

Under Trump, the United States has joined the sad roster of backsliding democracies, Vox, January 31, 2018, <https://www.vox.com/the-big-idea/2018/1/30/16950680/democratic-backsliding-loss-of-democracy-state-of-union-authoritarian-trump>

Will Religion Decide the Fate of the Guantanamo Detainees?, The Guardian, January 11, 2018, <https://www.theguardian.com/commentisfree/2018/jan/11/religion-guantanamo-bay-detainees>.

Here’s Why the Masterpiece Cakeshop Case Is So Complicated, Fortune, December 4, 2017, <http://fortune.com/2017/12/04/masterpiece-cakeshop-v-colorado-civil-rights/>

How the Department of Justice’s Facebook Subpoenas Threaten Free Speech, Fortune, October 11, 2017, <http://fortune.com/2017/10/11/department-of-justice-facebook-subpoena-free-speech-privacy/>

Only the GOP can save (or destroy) democracy in America, The Nation, October 4, 2017, <https://www.thenation.com/article/is-the-republican-party-a-threat-to-the-constitution/>

How would Trump handle a terror attack?, The Guardian. September 18, 2017, <https://www.theguardian.com/commentisfree/2017/sep/18/how-would-trump-handle-a-terror-attack>.

When Government Defames, The New York Times, August 10, 2017, at A19.

Dignity, Not Deadly Force: Why Procedural Justice Matters for Modern Policing and Democracy, 34 World Policy Journal 38 (2017).

Supreme Court can Second-Guess Trump without weakening executive power, The Hill, June 6, 2017, thehill.com/blogs/pundits-blog/homeland-security/336510-supreme-court-can-second-guess-trump-without-weakening?rnd=1496770173

This is How Democratic Backsliding Begins, Vox, May 15, 2017, <https://www.vox.com/the-big-idea/2017/5/15/15632918/democracy-autocracy-comey-trump-fbi-russia-coup>

The Comey Firing in (Comparative) Context, Take Care, May 11, 2017, <https://takecareblog.com/blog/the-comey-firing-in-comparative-context>

The Case for Community-Led Counter-terrorism, Sustainable Security, March 16, 2017, <https://sustainablesecurity.org/2017/03/16/the-case-for-community-led-counterterrorism/>.

The “Travel Ban” Executive Order as Separation-of-Powers Test Case, Just Security, March 10, 2017, <https://www.justsecurity.org/38675/travel-ban-executive-order-separation-of-powers-test-case/>.

How to Lose a Constitutional Democracy, Vox, Feb. 21, 2017, <http://www.vox.com/the-big-idea/2017/2/21/14664568/lose-constitutional-democracy-autocracy-trump-authoritarian> (with Tom Ginsburg).

The U.S. Constitution and the Risk of Democratic Backsliding, Just Security, January 23, 2017, <https://www.justsecurity.org/36621/u-s-constitution-risk-democratic-backsliding/> (with Tom Ginsburg).

Getting to Grips with Discrimination, Jotwell, Jan. 17, 2017, available at <http://conlaw.jotwell.com/getting-to-grips-with-discrimination/>

The People Reconsidered, The New Rambler, Oct. 17, 2016, available at <http://newramblerreview.com/book-reviews/political-science/the-people-reconsidered>

Democracy’s IKEA, The New Rambler, July 18, 2016, available at <http://newramblerreview.com/book-reviews/philosophy/democracy-s-ikea>

Is French Islam an Oxymoron?, The New Rambler. March 28, 2016, available at <http://newramblerreview.com/book-reviews/economics/is-french-islam-an-oxymoron>.

Revive Congressional Authority Over Courts, Democracy Journal, Winter 2016, at 34.

America's Refugee Debt, Boston Review, November 25, 2015, available at <http://bostonreview.net/world/aziz-huq-syria-refugee-debt>

A Distinctively American Doctrine, The New Rambler, November 25, 2015, available at <http://newramblerreview.com/book-reviews/law/a-distinctively-american-doctrine>

What Ails the City?, The New Rambler, July 27, 2015, available at <http://newramblerreview.com/book-reviews/law/what-ails-the-city>.

The Rise of the Anti-Muslim Fringe, Boston Review, April 17, 2015, <http://bostonreview.net/books-ideas/aziz-huq-rise-anti-muslim-fringe>.

Barbarism in the Middle East, The New Rambler, March 26, 2015, available at <http://newramblerreview.com/book-reviews/middle-east-studies/barbarism-in-the-middle-east>.

Do Americans think corporations have the right to religious freedom?, Slate, July 1, 2014, available at http://www.slate.com/articles/news_and_politics/jurisprudence/2014/07/do_americans_think_corporations_have_the_right_to_religious_freedom.html (with Moran Cerf and Avital Mentovich).

Afghanistan's Constitution at Ten, Foreign Policy, March 4, 2014, available at http://southasia.foreignpolicy.com/posts/2014/03/04/afghanistans_constitution_at_ten (with Tom Ginsburg)

In the healthcare decision, a hidden threat?, The Nation, June 29, 2012, available at <http://www.thenation.com/article/168677/healthcare-decision-hidden-threat>

How the NYPD Slipped Blanket Surveillance of American Muslims past the Courts—and the People, The Nation, Sept. 26, 2011, available at <http://www.thenation.com/article/163633/national-security-federalism-leads-civil-rights-violations-nypd>.

Defend Muslims, Defend America, New York Times, at A27, June 20, 2011.

Half Empty? Slate, Feb. 28, 2011, available at <http://www.slate.com/id/2286737/>

In Healthcare Ruling, Libertarianism by Diktat, The Nation, Feb. 9, 2011, available at <http://www.thenation.com/article/158427/healthcare-ruling-libertarianism-judicial-diktat>

May it Please the Country, Democracy: A Journal of Ideas, Summer 2009, p.86 (with Eric Lane) (book review).

Imagining Counterterrorism's Future, World Policy Journal, Vol. 25, No. 4 (Winter 2008/2009).

No More Torture, in Lessons from Iraq: Avoiding the Next War (Paradigm, 2008).

Imperial March, Democracy: A Journal of Ideas, Winter 2008, p.44.

Faith is Not Destiny: Three Inquiries into Jihadism and its Sources, World Policy Journal, Vol. 23, No. 3 (Fall 2006) (book review).

Extraordinary Rendition and the Wages of Hypocrisy, World Policy Journal, Vol. 23, No. 1 (Spring 2006).

International Crisis Group Reports

“Sri Lanka’s Judiciary: Politicised Courts, Compromised Rights” (June 30, 2009).

“Nepal’s Constitutional Process” (February 26, 2007).

“Toward a Lasting Peace in Nepal: The Constitutional Issues” (June 15, 2005).

“Building Judicial Independence in Pakistan” (November 10, 2004).

“Afghanistan’s Flawed Constitutional Process” (June 12, 2003).

“Afghanistan: Women and Reconstruction” (March 14, 2003) (with Vikram Parekh).

SELECTED PRESENTATIONS

“Racial Equity in Algorithmic Criminal Justice,” Criminal Law Roundtable, Northwestern Law School, June 21, 2018.

“Democracy’s Near Misses,” Law and Society Conference, Plenary Session, Toronto, June 8, 2018

“Imputing Hate Crime Rates with Google Search Data,” Work-in-Progress workshop, University of Chicago Law School, May 24, 2018.

“Apparent Fault,” National Conference of Constitutional Law Scholars, University of Arizona Law School, March 16, 2018.

“Constitutional Conventions and Incomplete Constitutional Texts,” Duke Law School Roundtable on Constitutional Conventions, Durham, NC, March 2, 2018.

“How War Makes (and Unmakes) the Democratic State: Reading *The Reluctant Fundamentalist* and *Exit West* In A Populism Age,” Conference on War and Law in Literature, University of Chicago Law School, Chicago, IL, February 24, 2018.

“Legal or Political Checks on Apex Criminality,” *UCLA Law Review* Symposium, February 2, 2018.

“How to Lose a Constitutional Democracy,” Brightlineswatch conference on “How Democracies Die,” Department of Political Science, Yale University, New Haven, CT, Oct. 6, 2017

“How to Lose a Constitutional Democracy,” LAPA Seminar, Princeton University, Princeton NJ, Oct. 2, 2017.

“How to Lose a Constitutional Democracy,” Faculty Workshop, University of North Carolina at Chapel Hill, Chapel Hill, NC, Sept. 7, 2017.

“Institutional Loyalties in Constitutional Law,” Work-in-Progress workshop, University of Chicago Law School, July 14, 2017.

“The Triumph of Fault in Public Law,” Criminal Law Roundtable, University of Chicago Law School, Chicago IL, June 2, 2017.

“The Triumph of Fault in Public Law,” Constitutional Law Colloquium, University of Illinois College of Law, Urbana-Champaign IL, March 13, 2017.

“How to Lose a Constitutional Democracy,” Work-in-Progress workshop, University of Chicago Law School, January 5, 2017.

“The Cycles of Separation of Powers Jurisprudence,” *Yale Law Journal* Reading Group, Yale Law School, September 19, 2016.

“Constitution Day Lecture: Muslim Minorities, Counterterrorism, and the Constitution,” University of Denver, Sturm School of Law, September 1, 2016.

“The President and the Detainees,” University of Denver, Sturm School of Law, August 31, 2016.

“The President and the Detainees,” Columbia Law School, National Security Law Workshop, June 21, 2016.

“What Does Classical Liberalism have to say about Mass Incarceration?” Conference on Classical Liberalism, University of Chicago Law School, May 13, 2016.

“Community Led Counterterrorism,” World Justice Project, Stanford Law School, May 6, 2016.

“The First Amendment and American Counterterrorism,” Harvard Muslim Law Students Association Symposium, Harvard Law School, April 2, 2016.

Commentator on Deborah Tuerkheimer, “Underenforcement as Unequal Protection,” Regulation of Family, Sex, and Gender Workshop, University of Chicago Law School, March 30, 2016.

“The President and the Detainees,” Conference on Accountability for Trans-National Counter-terrorism Operations, King’s College, London, March 10, 2016.

“The Apple Case: A Commentary,” Presentation at University of Chicago Institute of Politics, Chicago, March 7, 2016.

“The President and the Detainees,” Chicago-Kent Law School Faculty Workshop, January 19, 2016.

“Litigating the Blue Wall of Silence,” University of Chicago Legal Forum, November 5, 2015.

“The Predicates of Military Detention,” Conference on Empirical Legal Studies, Washington University School of Law, October 30, 2015.

Commentary on “Constitutional Arrogance” by Michael Gerhardt, Law Review Symposium, University of Pennsylvania Law School, October 16, 2015.

“Hippocratic Constitutionalism,” Constitutional Law Workshop, Cornell Law School, September 7, 2015.

“How the Fourth Amendment and the Separation of Powers Rise (and Fall) Together,” University of Chicago Law Review Symposium, University of Chicago Law School, June 20, 2015.

“Identifying the Predicates of Military Detention at Guantánamo,” Work-in-Progress workshop, University of Chicago Law School, May 28, 2015.

“The Fourth Amendment and the Separation of Powers,” Testimony to the Privacy and Civil Liberties Oversight Board, National Constitutional Center, Philadelphia, May 13, 2015.

“*Hobby Lobby* and the Psychology of Corporate Rights,” Chicago’s Best Ideas, University of Chicago Law School, May 5, 2015.

“Hippocratic Constitutionalism,” Conference on Assessing Constitutional Performance, University of Chicago Law School, April 24, 2015.

“The Difficulties of Democratic Mercy,” Response to Dean Martha Minow’s Jorde Lecture, University of Chicago Law School, January 8, 2015.

“Identifying the Predicates of Military Detention at Guantánamo,” Conference on Empirical Legal Studies, University of California School of Law, Boalt Hall, Berkeley, November 11, 2014.

“The Negotiated Structural Constitution,” *Columbia Law Review* Forum, Columbia Law School, October 4, 2014.

“The Empirical Study of National Security Detention,” Yale-Duke Foreign Relations Law Roundtable, Yale Law School, October 3, 2014.

“The Architecture of Constitutional Remedies,” Baldy Center Distinguished Visitors Lecture, Buffalo Law School, September 5, 2014.

“The Social Production of National Security,” Law and Security Workshop, Emory Law School, March 24, 2014.

“Libertarian Separation of Powers,” Conference on *The Classical Liberal Conference*, NYU School of Law, February 10, 2014.

“Forum Choice for Terrorism Suspects,” National Security Law, Policy and Practice Conference, Loyola University Chicago School of Law, February 7, 2014.

“What can Constitutions Do?,” Work in Progress Workshop, University of Chicago Law School, February 6, 2014.

“Coasean Bargaining over the Structural Constitution,” Faculty Workshop, Duke Law School, October 28, 2014.

“Habeas and the Roberts Court,” Faculty Workshop, American University, Washington College of Law, September 27, 2013.

“Coasean Bargaining over the Structural Constitution,” Chicago Junior Scholars Workshop, August 11, 2013.

“Standing and the Structural Constitution,” Work in Progress Workshop, University of Chicago Law School, May 23, 2013.

“The Function of Article V,” Invited Distinguished Lecture in Constitutional Law, Drake Law School, April 18, 2013.

“Standing and the Structural Constitution,” Faculty Workshop, Drake Law School, April 18, 2013.

“Removal as a Political Question,” Judicial Sidebar Workshop, University of Chicago Law School, February 20, 2013.

“Standing and the Structural Constitution,” Midwest Junior Scholars Workshop, Washington University School of Law, December 14, 2012.

“Standing and the Structural Constitution,” Chicago Junior Faculty Workshop, Loyola School of Law, November 30, 2012.

“Removal as a Political Question,” *Stanford Law Review* Forum, Stanford Law School, November 13, 2012.

“Group Libel and Blasphemy Laws,” Center for the Study of Gender and Sexuality University of Chicago, October 10, 2012.

“The Function of Article V,” Wisconsin Discussion Group on Constitutionalism, University of Wisconsin, Madison, October 5, 2012.

“The Social Production of National Security,” Columbia Law School National Security Junior Scholars Workshop, July 10, 2012.

“The Religion Clauses Today,” The Newberry Library, Chicago, June 29, 2012.

“Forum Choice for Terrorism Suspects,” CISAC, Stanford University, March 8, 2012.

“Enforcing (but not Defending) ‘Unconstitutional’ Laws,” Midwest Junior Scholars Workshop, Washington University School of Law, December 9, 2011.

“Forum Choice for Terrorism Suspects,” Work in Progress Workshop, University of Chicago Law School, December 8, 2011.

“Mechanisms for eliciting cooperation in counter-terrorism policing: The case of Muslims in London,” Conference on National Security, Human Dignity, and the “Other,” University of Minnesota Law School, May 20, 2011,

“Institution Matching and Individual Rights,” Presentation at Conference in honor of Justice John Paul Stevens, Northwestern Law School, May 12, 2011.

Commentator on Alison Miller and Mindy Jane Roseman, “Normalizing Sex and its Discontents: Establishing Sexual Rights in International Law,” Regulation of Family, Sex, and Gender Workshop, University of Chicago Law School, May 11, 2011.

“Departmentalism and the Rights of Others,” Presentation at *Harvard Law Review* Spring Forum, Harvard Law School, April 19, 2011.

Respondent to Hon. Richard A. Posner, “The Rise and Fall of Judicial Self-Restraint.” Jorde Lecture, University of Chicago Law School, April 14, 2011.

“Overlapping Jurisdictions in National Security Law,” Georgetown Center for National Security and the Law, Georgetown Law Center, April 12, 2011.

Commentator on Charlotte Walker, “Marriage, God, and the Law: Revolutions in Marriage and the Transformation of Domestic Authority in French Colonial Cameroon” Regulation of Family, Sex, and Gender Workshop, University of Chicago Law School, Jan. 19, 2011.

“Mechanisms for eliciting cooperation in counter-terrorism policing: The case of Muslims in London,” Work in Progress Workshop, University of Chicago Law School, November 18, 2010.

“Mechanisms for eliciting cooperation in counter-terrorism policing: The case of Muslims in London,” Conference on Empirical Legal Studies, Yale Law School, November 6, 2010.

Commentator on Zoe Robinson, “The Attitudinal Model and Commonwealth Courts,” Legal Forum Symposium, University of Chicago Law School, October 23, 2010.

Commentator on Adrian Vermeule & Christian List, “Interdependence and Independence: Lessons from the Hive,” Rational Choice and Constitutional Law Conference, University of Chicago Law School, September 24, 2010.

“Legitimacy and Deterrence Effects in Counterterrorism Policing: A Study of Muslim Americans,” Law and Society Conference, May 2010.

“Modeling Terrorist Radicalization,” The New Face of Discrimination in America, Conference, Duke Law School, February 2010.

“Against National Security Exceptionalism,” Work in Progress Workshop, University of Chicago Law School, November 2009.

“Mobilizing for Constitutional Change in the Shadow of the National Security State,” The Constitution in 2020, America and the World panel, Yale Law School, October 2009.

“Approaches to Radicalization: The New York Case Study,” Whose Security? Whose Liberty? Muslims in the West Post-7/7 and 9/11, School of Oriental and African Studies, University of London, June 5, 2008.

“The War on Crime as Precursor to the War on Terror,” Criminal Law Panel, Association of American Law Schools Conference, New York, NY, January 5, 2008.

“Network Effects: A New Way of Looking at Extraordinary Rendition,” Conference on Extraordinary Rendition, University of North Carolina Law School, Chapel Hill, November 17, 2007.

“Presidential Power in a Time of Terror,” The Spitzer Lecture, The 92d Street Y, New York, NY, October 10, 2007.

“The *Hirota* Gambit,” Annual Survey of American Law’s Symposium on the Constitutional Implications of the War on Terror, NYU School of Law, Feb. 3, 2006.

Bar Memberships

New York (2002); U.S. Court of Appeals for the Second Circuit (2006); U.S. Court of Appeals for the District of Columbia Circuit (2006); U.S. Court of Appeals for the Ninth Circuit (2008); U.S. Supreme Court (2008).