

SARAH H. CLEVELAND
COLUMBIA LAW SCHOOL
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PRESENT EMPLOYMENT & PROFESSIONAL ACTIVITIES

COLUMBIA LAW SCHOOL, New York, NY. Louis Henkin Professor of Human and Constitutional Rights; Faculty Co-Director of the Human Rights Institute. Teaching and research in international and comparative human rights, international law, foreign affairs and the U.S. Constitution, national security law, and federal civil procedure. Board Member, Columbia University Global Policy Initiative (Since 2013). Board of Directors, *Columbia Journal of Transnational Law* (Since 2007).

UN HUMAN RIGHTS COMMITTEE, Geneva, Switzerland. U.S. independent expert on the United Nations Human Rights Committee, the treaty body overseeing state implementation of the International Covenant on Civil and Political Rights. Elected in June 2014 by states parties to the Covenant to serve four-year term commencing Jan. 2015. Special Rapporteur for Follow-up with states regarding concluding observations (2015-2017); Special Rapporteur for New Communications (Since 2017).

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION). Independent Member on the Council of Europe's expert advisory body on human rights and rule of law reform. Assist with evaluating the compatibility of national laws and constitutional reforms in Europe, North Africa, Latin America, and elsewhere. Member, and Vice Chair of Sub-Commission on the Rule of Law and Sub-Commission on Federal States (Since 2013). Observer Member (Oct. 2010-April 2013).

AMERICAN LAW INSTITUTE, COORDINATING REPORTER, *RESTATEMENT (FOURTH) OF THE FOREIGN RELATIONS LAW OF THE UNITED STATES*. Co-ordinating Reporter directing and overseeing preparation of major treatise on U.S. foreign relations law; also serving as a Reporter on Status of Treaties in U.S. Domestic Law (Since 2012).

INTERNATIONAL COMMISSION OF JURISTS, Geneva, Switzerland. Commissioner (elected 2018).

U.S. GOVERNMENT SERVICE

SECRETARY OF STATE'S ADVISORY COMMITTEE ON INTERNATIONAL LAW, U.S. Dept. of State Member, (Since Sept. 2011).

COUNSELOR ON INTERNATIONAL LAW TO THE LEGAL ADVISER, Office of the Legal Adviser, U.S. Department of State. Helped supervise the legal work of the U.S. State Department, including assisting in developing State Department positions in the interagency and U.S. positions before the Human Rights Council and other UN and regional bodies. Helped to oversee legal work relating to human rights and international justice, and U.S. domestic litigation involving international law and foreign relations issues. From July 2010-Aug. 2011, also served as the supervising deputy for the State Department's legal work involving Political/Military Affairs

(including counterterrorism and laws of war) and Central and Southeast Asia (including Afghanistan, Pakistan, India and Sri Lanka) (Sept. 2009 – Aug. 2011).

ATTORNEY-ADVISER INTERNATIONAL (EXPERT), U.S. DEPARTMENT OF STATE. Provided pro bono expert legal assistance on international and foreign relations law matters to the Office of the Legal Adviser. (Sept. 2011-Jan. 2013).

U.S. - CHINA LEGAL EXPERTS DIALOGUE. Participated as an expert member of U.S. delegation for dialogue with representatives of the Chinese government on pressing rule of law questions facing both countries. Presented for the United States delegation on counterterrorism and the protection of human rights in the U.S. and China. Beijing, China (April 2012). Presented on the role of government lawyers, Charlottesville, VA (November 2013).

EDUCATION

YALE LAW SCHOOL, New Haven, CT. J.D. (1992). Senior Editor, *Yale L. & Pol. Rev.*, 1991-92. Mary McCarthy Fellowship in Public Interest Law, 1992. Charles G. Alborn Prize for Excellence in Appellate Advocacy, 1992 (co-recipient). Annual Human Rights Award, American Immigration Lawyers' Ass'n., 1992 (co-recipient).

LINCOLN COLLEGE, OXFORD UNIVERSITY, England. Rhodes Scholar 1987-89. M.St. in British Imperial & Commonwealth History (July 1989).

BROWN UNIVERSITY, Providence, RI. Honors A.B. *Magna Cum Laude* (1987). Independent Concentration in Law & Mental Health. Senior Class Commencement Orator. Junior *Phi Beta Kappa*.

CLERKSHIPS

SUPREME COURT OF THE UNITED STATES, Washington, D.C. Law clerk to Associate Justice Harry A. Blackmun (1993-1994).

UNITED STATES DISTRICT COURT, Washington, D.C. Law clerk to Judge Louis F. Oberdorfer (1992-93).

TEACHING EXPERIENCE

SENIOR RESEARCHER, UNIVERSITY PANTHÉON-ASSAS (PARIS II), Dept. of Law, Paris, France (2017-18).

VISITING PROFESSOR, UNIVERSITY PANTHÉON-ASSAS (PARIS II), Dept. of Law, Paris, France (Spring 2017).

VISITING PROFESSOR, GRADUATE INSTITUTE OF INTERNATIONAL AND DEVELOPMENT STUDIES, Geneva, Switzerland (Spring, Fall 2017)

VISITING PROFESSOR, SCIENCES-PO UNIVERSITY, Dept. of Law, Paris, France (Fall 2016).

COLUMBIA SUMMER PROGRAM, UNIVERSITY OF LEIDEN, Netherlands (July 2016),

VISITING SCHOLAR, EUROPEAN UNIVERSITY INSTITUTE, Fiesole, Italy (March – April 2012; June 2015).

OXFORD UNIVERSITY AND GEORGE WASHINGTON UNIVERSITY JOINT PROGRAM IN INT'L HUMAN RIGHTS LAW, New College, Oxford (July 2006; July 2007).

HARVARD LAW SCHOOL, Cambridge, MA. Bemis Visiting Professor of International Law (2006-2007).

COLUMBIA LAW SCHOOL, Samuel Rubin Visiting Professor of Law (2005-2006).

UNIVERSITY OF MICHIGAN LAW SCHOOL, Visiting Professor (Fall 2004).

UNIVERSITY OF TEXAS SCHOOL OF LAW, Austin, TX. Marrs McLean Professor in Law (2001-2007); Assistant Professor (1997-2000); Professor of Law (2000-2001). Faculty Director, Transnational Worker Rights Clinic (2004-2007) (led labor rights research mission to Cambodia, Spring 2005); Co-Founder, Rapoport Center for Human Rights and Justice (2004).

OTHER PROFESSIONAL EXPERIENCE

EXTERNAL LEGAL ADVISORY GROUP, KINGDOM OF BAHRAIN. Part of a five-member team of international lawyers retained to provide independent external legal advice to the government of Bahrain on implementation of the recommendations of the Bahrain Independent Commission of Inquiry (Jan.-March 2012).

ASPEN INSTITUTE/NYU-COLUMBIA FEDERAL JUDICIAL TRAINING SEMINARS on “International Human Rights and Humanitarian Law: Their Application in Domestic Jurisprudence.” Instructor on international human rights law at seminars for U.S. federal and state judges. (Nov. 2007; May 2008; Jan. 2009; Jan. 2012; Nov. 2016; Feb. 2018).

PROJECT ON HARMONIZING STANDARDS FOR ARMED CONFLICT. Co-director of transnational expert project examining potential reforms to the law of non-international armed conflict, with Daniel Bethlehem, former Legal Adviser to the UK Foreign & Commonwealth Office (Jan. 2012-2016).

WORKING GROUP ON DETENTION WITHOUT TRIAL, co-founder and coordinator of academic working group exploring legal and policy issues surrounding detention of terrorism suspects (July 2008-Aug. 2009).

AFGHANISTAN TRANSITIONAL COMMERCIAL LAW PROJECT WORKING GROUP. Expert on ABA-sponsored project which drafted an employment code for post-Taliban Afghanistan (2003).

ERLENBORN COMMISSION, LEGAL SERVICES CORPORATION. Appointed to five-member federal commission reviewing the provision of legal assistance to aliens in the United States (1999).

FLORIDA LEGAL SERVICES, Belle Glade, FL. Skadden Fellow. Conducted civil impact litigation on behalf of Caribbean H-2A sugar cane cutters and other migrant farmworkers in southeastern U.S. (1994-96).

AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF FLORIDA, West Palm Beach, FL. Cooperating attorney on broad constitutional rights litigation docket (1994-96).

LOWENSTEIN INTERNATIONAL HUMAN RIGHTS CLINIC, Yale Law School, New Haven, CT. Co-director of student litigation effort on behalf of Haitian refugees in federal challenge to the United States interdiction program. Assisted in researching and drafting briefs for district, circuit, and Supreme courts; testified before U.S. Congress; conducted discovery on U.S. Naval Base, Guantanamo Bay, Cuba (1992).

SCHELL CENTER FOR INT'L. HUMAN RIGHTS: RESEARCH PROJECT IN NAMIBIA (Summer 1990).

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, Geneva, Switzerland. (Summer 1990).

COMMISSION ON THE SKILLS OF THE AMERICAN WORKFORCE, Nat'l. Center on Education & the Economy, Rochester, N.Y. Responsible for comparative European research (1989 -1990).

LEGISLATIVE TESTIMONY

House of Lords House of Commons Joint Committee on Human Rights. Written evidence on the state secrets doctrine, *Report on The Justice and Security Green Paper*, HL Paper 286 HC 1777 (24th Report of Session 2010–12) (April 2012), List of Written Evidence, JS-29 (April 2012).

United States Senate Committee on the Judiciary, Subcommittee on the Constitution, *Hearing on the Legal, Moral and National Security Consequences of "Prolonged Detention"* (June 2009).

House Judiciary Committee, Subcommittee on the Constitution, *Hearing on House Res. 97 and the Appropriate Role of Foreign Judgments in the Interpretation of American Law* (July 2005).

Subcommittee on Legislation and National Security of the House Committee on Government Operations, *Hearing on U.S. Human Rights Policy Toward Haiti*, 102d Cong., 2d Sess. 97 (1992).

PROFESSIONAL MEMBERSHIP POSITIONS

International Bar Association's Human Rights Institute, Council Member (Since 2013).

Advisory Board, Institute of International Peace and Security Law, University of Cologne, Germany (Since 2015).

American Law Institute, Member (Since 2007). Co-Coordinating Reporter, *Restatement (Fourth) of the Foreign Relations Law of the United States*, Reporter on *Restatement Treaties Project* (Since 2012).

American Society of International Law (Since 1998). Executive Council Member (2014-2017); Sponsor of Mid-Year Meeting (2013); Annual Meeting Program Committee (2012-2013); National Security Roundtable Steering Committee (Since 2011); Chair of Selection Committee for Four Societies Project (Fall 2007-Spring 2008); Member, International Law in U.S. Courts Interest Group (Since 2002).

International Review of the Red Cross, Board of Editors (Since 2015)

Columbia Journal of Transnational Law, Board of Directors (Since 2007).

Journal of International Economic Law, Board of Editors (Since 2004).

Florida Bar Association (Since 1994).

PAST MEMBERSHIP POSITIONS

ABA Section on Labor & Employment and Law, Immigration Law Committee, Co-Chair (2002-2003).

Center for Justice and Accountability, Legal Advisory Council, San Francisco (2002-2009).

Equal Justice Center, Austin, TX (2003-2006).

Farmworker Justice Fund, Advisory Council, Washington, D.C. (2004-2009).

International Labor Rights Fund, Advisory Council, Washington, D.C. (2002-2007).

National Center on Education & the Economy, Advisory Council, Washington, D.C. (Since 1989).

Rhodes Scholarship State Selection Committee, Texas, State Secretary (2001-2004) Peripatetic Member (1994-95, 1997-2000).

AWARDS & HONORS

Excellence in International Law Teaching Award, Columbia International Law Society (2014)

Excellence in Teaching Award, University of Texas School of Law (2000-2001).

Harry A. Blackmun Fellow to the Aspen Justice & Society Institute, Aspen, CO (2001).

Stanford-Yale Junior Faculty Forum. Manuscript, *Powers Inherent in Sovereignty: Indians, Aliens, Territories and the Nineteenth-Century Origins of Plenary Power Over Foreign Affairs* chosen as the Constitutional Law-Historical Foundations selection, Yale Law School (May 2002).

PUBLICATIONS

BOOKS

SUPPLEMENT TO HENKIN, CLEVELAND, ET AL., HUMAN RIGHTS (2013) (co-author).

HENKIN, CLEVELAND, ET AL., HUMAN RIGHTS (Foundation Press, 2nd ed., 2009) (co-author).

ARTICLES, ESSAYS AND BOOK CHAPTERS

Hate Speech at Home and Abroad (book chapter, forthcoming 2018).

The Future of the UN Treaty Body System (book chapter, Oxford U. Press, forthcoming 2018).

Final Report of the Project on Harmonizing Standards in Armed Conflict (with Daniel Bethlehem) (forthcoming 2018).

Human Rights Treaties in the Age of Connectivity (book chapter in volume published by University of Paris II, 2018).

Defining and Punishing Offenses Under Treaties, 124 *Yale L. J.* 2202 (2015) (with William Dodge).

After Kiobel, 12 *J. INT'L CRIM. J.* 551 (2014).

The Kiobel Presumption and Extraterritoriality, 52 *COLUM. J. TRANSNAT'L L.* 8 (2013).

Embedded International Law and the Constitution Abroad, 110 *COLUM. L. REV.* 101 (2010).

Foreign Authority, American Exceptionalism, and the Dred Scott Case, 82 *CHICAGO-KENT L. REV.* 393 (2007).

Our International Constitution, 31 *YALE J. INT'L L.* 1 (Winter 2006).

Hamdi Meets Youngstown: Justice Jackson's Wartime Security Jurisprudence and the Detention of Enemy Combatants, 68 *ALBANY L. REV.* 1127 (2005).

Why International Labor Standards?, in *INTERNATIONAL LABOR STANDARDS: GLOBALIZATION, TRADE AND PUBLIC POLICY*, Robert J. Flanagan and William J. Gould, IV, eds. (Stanford Univ. Press, 2003).

Powers Inherent in Sovereignty: Indians, Aliens, Territories, and the Nineteenth-Century Origins of Plenary Power over Foreign Relations, 81 *TEXAS L. REV.* 1 (2002).

Human Rights Sanctions and International Trade: A Theory of Compatibility, 2002 *J. INT'L ECON. L.* 133.

Norm Internalization and U.S. Economic Sanctions, 26 *YALE J. INT'L L.* 1 (Winter 2001).

Crosby and the "One Voice" Myth in U.S. Foreign Relations, 46 *VILLANOVA L. REV.* 975 (2001).

Human Rights Sanctions and the World Trade Organization, in *HUMAN RIGHTS, THE ENVIRONMENT, AND THE LIBERALIZATION OF INTERNATIONAL TRADE* (F. Francioni, ed.) (Hart Publishing, UK 2001).

The Plenary Power Background of Curtiss-Wright, 70 *U. COL. L. REV.* 1127 (1999).

Global Labor Rights and the Alien Tort Claims Act, 76 *TEXAS L. REV.* 1533 (1998).

Aliens and the Duty of Nonrefoulement: Haitian Centers Council v. McNary, 6 *HARV. HUM. RTS. J.* 1 (1993) (co-author).

USA and UK Government Policy in Youth Training for the New International Economy: Lessons from Abroad, in SOMETHING BORROWED, SOMETHING BLUE? A STUDY OF THE THATCHER GOVERNMENT'S APPROPRIATION OF AMERICAN EDUCATION AND TRAINING POLICY. OXFORD STUDIES IN COMPARATIVE EDUCATION, Vol. 2 (2) 1992.

AMERICA'S CHOICE, HIGH SKILLS OR LOW WAGES! SUPPORTING WORKS (EUROPE). COMMISSION ON THE SKILLS OF THE AMERICAN WORK FORCE, NAT'L. CENTER ON EDUCATION & THE ECONOMY, 1991.

Do Dangerousness-Oriented Commitment Laws Restrict Hospitalization of Patients Who Need Treatment? A Test, HOSP. & COMM. PSYCH., Vol. 40, No. 3, 1989 (co-authors P. Applebaum & E. Muntze).

SHORTER PIECES

The United States and the Torture Convention, Part I: Extraterritoriality, Just Security Blog (Nov. 2014), <http://justsecurity.org/17435/united-states-torture-convention-part-i-extraterritoriality/>

The United States and the Torture Convention, Part II: Armed Conflict, Just Security Blog (Nov. 2014), <http://justsecurity.org/17581/united-states-torture-convention-armed-conflict/>

Harmonizing Standards in Armed Conflict, EJIL: Talk! (Sept. 2014), <http://www.ejiltalk.org/harmonizing-standards-in-armed-conflict/>

The Alien Tort Statute and the Foreign Relations Fallacy, Online symposium: *Kiobel v. Royal Dutch Petroleum*, SCOTUSBLOG (Jul. 13, 2012 and Jul. 24, 2012), available at <http://www.scotusblog.com/author/sarah-cleveland/>.

Book Review, Extraterritorial Application of Human Rights Treaties, by Marko Milanovic, *Opinio Juris / EJIL: Talk!* (Dec. 2011).

In Memoriam: Tribute to Louis Henkin, 49 COLUM. J. TRANSNAT'L L. (2011).

Judge Louis F. Oberdorfer, Yale Biographical Dictionary of American Law (2009).

Forward: Human Rights in the United States, 40 COLUM. HUM. RTS. L. REV. 1 (2008) (with Catherine Powell).

The Legacy of Louis Henkin: Human Rights in the "Age of Terror", an Interview with Sarah H. Cleveland, 38 COLUM. HUM. RTS. L. REV. (2007).

Book Review: GARY LAWSON AND GUY SEIDMAN, THE CONSTITUTION OF EMPIRE: TERRITORIAL EXPANSION AND AMERICAN LEGAL HISTORY (Yale 2004), AM. HIST. REV. 1540 (Dec. 2005).

International Decisions: Legal Status and Rights of Undocumented Workers, 99 AM. J. INT'L L. 460 (2005).

The Alien Tort Statute, Civil Society and Corporate Responsibility, 56 RUTGERS L. REV. 971 (2004).

Book Review: "Making Human Rights Work Globally," by Anthony Woodiwiss, 57 *INDUSTRIAL & LABOR RELATIONS REVIEW* 465 (2004).

Inter-American Court of Human Rights Amicus Curiae Brief: The United States Violates International Law When Labor Law Remedies Are Restricted Based on Workers' Migrant Status, 1(3) *SEATTLE JOURNAL FOR SOCIAL JUSTICE* 795 (Spring/Summer 2003) (co-author).

Challenges to Fragile Democracies in the Americas: Legitimacy and Accountability, (symposium transcript), 36 *TEXAS INT'L L. J.* 359 (2001) (with others).

MEDIA

Melanie A. Farmer, *Faculty Q&A: Sarah Cleveland,* *THE RECORD,* Dec. 18, 2008.

Is There Room for the World in Our Courts? *WASHINGTON POST,* Mar. 20, 2005.

President Not Above the Law, *DALLAS MORNING NEWS,* June 30, 2004, at 19A.

Of Laws and Wars: Professor Sarah Cleveland on the U.S.' Pursuit of (Finite) Justice Abroad, *TEXAS OBSERVER,* DEC. 7, 2001, at 10 (with Sandra Spicher, interviewer).

PRESENTATIONS

Harmonizing Standards in Modern Armed Conflict, 2nd Annual Hans Kelsen Lecture, University of Cologne, Germany (Nov. 2017).

Panel Presentation on Draft General Comment No. 36 on the Right to Life: Recent Developments, Geneva Academy, Geneva (March 2017)

Human Rights in the Trump Era, invited lecture at Paris II (Panthéon-Assas) University, Paris (Jan. 2017)

Enhancing Human Rights Connectivity for the Treaty Body System, paper presented at Latin America Expert Regional Consultation on Review of the Human Rights Treaty Body System, San Jose, Costa Rica (Nov. 2016)

Follow-up and Implementation of HRC Recommendations to States, Workshop between the UN Human Rights Committee and the Inter-American Court of Human Rights, San Jose, Costa Rica (Nov. 2016).

Connectivity and the Human Rights Treaty Body System, invited presenter at panel on "The Treaty Body System: 2020 and Beyond", conference on "The United Nations Human Rights System: Present and Future", University Panthéon-Assas (Paris II), Paris, Sorbonne, (Nov. 2016)

Family Reunification in the Human Rights Committee, invited presenter at Expert Seminar on Refugee Family Unity and Reunification, organized by UNHCR and the Council of Europe, Copenhagen, DK (Oct. 2016)

Reform of the International and Regional Human Rights Systems, invited plenary speaker at conference on "Interaction between human rights: 50 years of the Covenants," hosted by the Dept. of Law, Aarhus University, Denmark (Sept. 2016)

Follow-up Mission to Namibia (Aug. 2016). Head of Delegation for four-day mission to Namibia to follow-up on the Human Rights Committee's recommendations; met with numerous government officials, civil society representatives, and the media. Sponsored by the Centre for Civil and Political Rights, Geneva.

The Human Rights Committee's Approach to Economic, Social and Cultural Rights, presentation for Joint Meeting between the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, honoring the 50th Anniversary of the two Covenants, Geneva (July 2016)

The Law of Armed Conflict and Human Rights of Indigenous Peoples, invited presenter at Expert Seminar on "International Seminar on Indigenous Peoples' Rights and Unreported Struggles: Conflict and Peace", Columbia University (May 2016)

Oxford Debate: Should There be a World Court of Human Rights? Invited debater, with Prof. Martin Scheinin, The Oxford Martin School, Oxford University, UK (May 2016)

Commentator, *Is Compliance and Indicator for the State of International Law? Exploring the Compliance Trilemma*, at conference on The International Rule of Law – Rise or Decline?, Humboldt University, Berlin (April 2016)

Richard Holbrooke Forum Workshop on Germany, the United States, and the Emerging International Order, invited participant in three-day closed expert meetings with German Foreign Ministry on U.S. and German engagement on Russia/Ukraine, American Academy in Berlin, Berlin, Germany (May 2015).

Closing Guantanamo: What will it take?, invited panelist, NYU Center for Global Affairs, N.Y. (April 2015).

Perspectives on the Restatement (Fourth) Project, organized and participated on panel on the Restatement (Fourth) of the Foreign Relations Law of the United States, ASIL Annual Meeting, Washington, D.C. (April 2015).

Venice, Geneva, Moscow: A Tale of Two Human Rights Bodies and the Russian Federation, speech to Rotary Club of Birmingham, AL (April 2015).

Panelist on "Regional Courts and their jurisprudence in 2014: An increasingly important role?" for *Justice for Freedom of Expression 2014* conference, Columbia University (March 2015).

Richard Holbrooke Forum Workshop on Justice and Peace, invited participant in three-day closed expert meetings on the role of justice and accountability in peace negotiations, American Academy in Berlin, Berlin, Germany (Dec. 2014).

China's Approach to International Human Rights, invited discussant, Chatham House, Beijing, China (Nov. 2014).

UN Human Rights Council, *Panel Discussion on the Promotion and Protection of the Right to Privacy in the Digital Age*, invited independent expert panelist, Geneva, Switzerland (Sept. 2014).

Harmonizing Standards for Armed Conflict, presentation at the Oxford-ICRC Transatlantic Workshop on Armed Conflict, Oxford, UK (July 2014).

Drone Strikes and Targeted Killings: Domestic and International Perspectives, panelist, Second Circuit Judicial Conference, Saratoga, NY (June 2014).

Workshop on Statecraft and Responsibility, Richard Holbrooke Forum, invited participant, American Academy in Berlin, Berlin, Germany (June 2014).

Harmonizing Standards for Armed Conflict, presentation to NATO legal advisers, Brussels, Belgium (July 2014).

China's Approach to International Human Rights, invited discussant, Chatham House, London, UK (April 2014).

The Restatement (Fourth) of the Foreign Relations Law of the United States, panelist, ASIL Annual Meeting, Washington, D.C. (April 2014).

The Use of Chemical Weapons as a Criminal Offense: Constitutional/International Law Interaction, presenter at "A World Free of Chemical Weapons, and Beyond," University of Rome, Rome, Italy (March 2014).

The Law of Interdiction and Sale v. Haitian Centers Council, presenter at "The Globalization of High Seas Interdiction," Yale Law School, New Haven, CT (March 2014).

Luxembourg Forum, meeting of U.S. Supreme Court and European Court of Justice, academic participant, Luxembourg (Feb. 2014).

Bond v. United States, presenter at Secretary of State's Advisory Committee on International Law, Washington, D.C. (Dec. 2013).

U.S.-China Legal Experts Dialogue, public member of U.S. delegation, Charlottesville, VA (Nov. 2013).

Globalization, Foreign Policy, and National Security, panelist, Yale Law School, New Haven, CT (Oct. 2013).

Symmetries: International Humanitarian Law and International Human Rights Law, presenter at Oxford-International Committee of the Red Cross conference, Oxford University, UK (July 2013).

Kiobel, Universal Civil Jurisdiction and the Liability of Corporations in International Law, roundtable presenter, European University Institute, Fiesole, Italy (June 2013).

Targeted Killings Away From a 'Hot' Battlefield: Exploring the Legal Issues, panelist, New York City Bar Association (May 2013).

Bond v. United States and the Treaty Power, panelist and organizer, Annual Meeting of the American Society of International Law, Washington, D.C. (April 2013).

American Treaty Exceptionalism, panel moderator & organizer, Annual Meeting of the American Society of International Law, Washington, D.C. (April 2013).

Burma's 2008 Constitution & the Rule of Law, presented half-day seminar on comparative constitutional and human rights issues and constitutional reform to the Rule of Law Committee and other members of the Myanmar Parliament, Naypyitaw, Myanmar (Feb. 2013).

Rule of Law and the 2008 Burmese Constitution, presenter at seminar hosted by Myanmar Egress, Yangon, Myanmar (Feb. 2013).

Targeted Killing, Unmanned Aerial Vehicles and EU Policy, invited participant in High Level Policy Seminar, European University Institute, Fiesole, Italy (Feb. 2013).

Expert Meeting on Lethal Autonomous Robotics, invited participant, European University Institute, Fiesole, Italy (Feb. 2013).

Derogation, Convergence, and the Law of War and Peace, paper presented at Roundtable in Honor of Louis Henkin, International Association of Constitutional Law, Columbia Law School, New York, NY (Nov. 2012).

International Law Versus National Security, panelist, Federalist Society Annual Meeting, Washington, D.C. (Nov. 2012).

Guantanamo Military Commissions and the Future of International Criminal Law, panelist, International Law Weekend, American Branch of the International Bar Association, New York, NY (Oct. 2012).

Expert Meeting on the Future of the International Criminal Court, invited participant, The Hague, Netherlands (Sept. 2012).

Rights at War, Louis Henkin Annual Memorial Lecture, University of Miami Law School, Miami, FL (Sept. 2012).

Convergence and Conflicts of Human Rights and International Humanitarian Law in Military Operations: The U.S. Perspective, panelist, University of Pretoria, South Africa (Aug. 2012).

Horizontal Complementarity and Universal Jurisdiction, presentation to Secretary of State's Advisory Committee on International Law, Washington, D.C. (June 2012).

International Law and Sanctions, presenter at conference on "Smart Sanctions and the Rule of Law," NYU Law School, New York, NY (June 2012).

The Rule of Law as a Practical Concept, invited participant at Council of Europe symposium, London, UK (March 2012).

Here and There: Extraterritorial Protection of Rights After Boumediene and Al Skeini, panelist at "Judicial Process and the Protection of Rights: The U.S. Supreme Court and the European Court of Human Rights," joint conference of the U.S. Supreme Court and European Court of Human Rights co-hosted by U.S. Department of State and George Washington Law School, Washington, D.C. (March 2012).

Targeted Killings and the Law of War, roundtable panelist, Aspen Institute, Washington, D.C. (Feb. 2012).

War, Terror, and the Federal Courts, Ten Years After 9/11, panelist at Association of American Law Schools Annual Meeting, Washington, D.C. (Jan. 2012).

Advancing Human Rights through International and Domestic Courts, panelist, Yale Law School, New Haven, CT (Nov. 2011).

Libya and Lawfulness, panelist at International Law Week, American Branch of the International Law Association, New York, NY (Oct. 2011).

Transatlantic Dialogues on International Law: International Law and Human Rights, roundtables sponsored by Atlantic Council / Chatham House, London, UK and Washington, D.C. (Nov. 2010; Oct. 2011).

Hostilities in International Law, presented at workshop on “The War Powers Resolution and the Relevance of History,” Harvard Law School, Cambridge, MA (Oct. 2011).

The Ethics and Law of International Counterterrorism: The Challenges of the Next 10 Years, panelist at conference on “Law, Security, and Liberty after 9/11: Looking to the Future,” Harvard Law School, Cambridge, MA (Sept. 2011).

Consular Notification Reform and the ICJ’s Avena Judgment, presentation to the U.S. State Department Office of the Legal Adviser, Washington, D.C. (Sept. 2011).

National Security Litigation, panelist at Annual Legal Conference of the Intelligence Community, Virginia (May 2011).

The United States and Human Rights, A Town Hall with French Youth, featured speaker, hosted by the City of Strasbourg, France (April 2011).

The Crisis in Libya: International and Domestic Responses, presented at Yale Law School, New Haven, CT (April 2011).

International Humanitarian Law and Security Detention of Suspected Terrorists, Executive Seminar Instructor, European University Institute Academy of Global Governance, Fiesole, Italy (March 2011).

European and United States Counter-Terrorism Policies, the Rule of Law and Human Rights, participant in High Level Policy Seminar, European University Institute, Fiesole, Italy (March 2011).

Current International Legal Developments: Roundtable Discussion with the Office of the Legal Adviser,” panelist, ABA Section of International Law Spring Meeting (March 2011).

National Enforcement of Universal Jurisdiction Crimes, presented at Sokol Colloquium on Private International Law, University of Virginia, Charlottesville, VA (April 2010).

International Human Rights Law, Foreign Sovereign Immunity, and National Courts, panelist, Annual Meeting of the American Society of International Law, Washington, D.C. (March 2010).

A New Era of Principled Engagement: The Obama Administration and International Law, keynote speaker for symposium on “The Obama Impact: Has the New Administration Changed

U.S. Involvement in International Law and Policy?” J.B. Moore Society for International Law, University of Virginia School of Law, Charlottesville, VA (Feb. 2010).

Embedded International Law and the Constitutional Rights of Aliens Abroad, presented at Law and Globalization Workshop, Yale Law School, Dec. 2008.

Foreign Relations Law Workshop, participant, Duke Law School (Sept. 2008).

International Humanitarian Law in Domestic Law: A Case Study of the United States, three lectures, European University Institute Human Rights Law Course, Fiesole, Italy (June 2008).

Embedded International Law and the Constitution Abroad, panelist at symposium on “The Interaction Between Domestic Constitutions and International Law,” Harvard International Law Journal, Harvard Law School, Cambridge, MA (April 2008).

The Politics of Teaching International Law, panelist, Annual Meeting of the American Society of International Law, Washington, D.C. (April 2008).

Internationalizing the Federal Courts Curriculum, Federal Courts section panelist, AALS Annual Meeting, New York (Jan. 2008).

Geography or Control? International Jurisdiction and Constitutional Protection for Aliens Abroad, symposium panelist, Georgetown University Law Center, Washington, D.C. (Oct. 2007).

Panelist, “Using International and Foreign Law Sources in Interpreting the Constitution,” at conference on “International Law and the Constitution: Terms of Engagement, Fordham Law School (Oct. 2007).

Commentator at conference on “The Reception of European Human Rights Law into National Systems,” Columbia Law School, New York, NY (Oct. 2007).

Expert Witness on International and Comparative Law, Reconsideration of *Dred Scott v. Sandford*, Charles Hamilton Houston Institute, Harvard Law School (April 2007).

Panelist on “Historical Perspectives on the New Haven School” at symposium on “The ‘New’ New Haven School: International Law—Past, Present & Future,” Yale Law School (March 2007).

Presentation on “Early American Judicial Approaches to International Law in Constitutional Analysis,” for panel on “What Did the Framers Know and When Did They Know It?,” International Law Weekend, American Branch of the International Law Ass’n., New York (Oct. 2006).

“The Cambodian Garment Industry: A Test Case for International Labor Rights?” Human Rights Workshop, Yale Law School (March 2006).

“*Dred Scott* and the Use and Abuse of Foreign Authority,” at symposium on the 150th anniversary of the *Dred Scott* decision, University of Texas School of Law (March 2006).

Panelist on “Human Rights in U.S. Constitutional Litigation” at the 2006 Barnes Symposium on “Legitimacy and Western and Non-Western Views of Human Rights,” University South Carolina Law School (Feb. 2006).

“Guantanamo Then and Now,” panel discussion of litigation surrounding the United States’ establishment of an HIV detention camp on Guantanamo in the early 1990’s and the legal implications for the current Guantanamo detentions. Columbia Law School (Jan. 2006).

Panelist discussing international law issues presented by *Spector v. Norwegian Cruise Lines*, Annual Meeting of the Association of American Law Schools (Jan. 2006).

“Our International Constitution,” faculty workshop, Columbia Law School (Nov. 2005).

Panelist, “The Role of the Executive Branch in International Human Rights Litigation,” at a symposium on “25 Years After *Filartiga*: Exploring the Tension Between Accountability and Foreign Policy,” Rutgers Law School (Nov. 2005).

“Our International Constitution,” Legal Theory Workshop, University of Virginia School of Law (Sept. 2005).

Presented paper on “Justice Blackmun and the Law of Nations,” at symposium on “Justice Blackmun and Judicial Biography,” Brooklyn Law School (Sept. 2005).

Panelist, “The Appellate Body and Public International Law,” at a conference on “The Tenth Anniversary of WTO Dispute Settlement: An Appraisal,” sponsored by the British Institute of International and Comparative Law and Georgetown University Law Center, in London (May 2005).

Panelist, “The Use of Foreign Law by U.S. Courts,” sponsored by the Federalist Society and the Constitution Project, Washington, D.C. (May 2005).

Panelist, “The Idea of Popular (or “Democratic”) Sovereignty: The Debate over Looking to Foreign Materials in Interpreting the United States Constitution,” at a conference on “Sovereignty,” UT Law School (April 2005).

Panelist, “Exploring the Breakdown of the Public-Private Divide in International Law and Law-Making,” 99th Annual Meeting of the American Society of International Law, Washington, D.C. (April 2005).

“Our International Constitution,” Annual Meeting of the American Society of International Law Section on International Law in Domestic Courts, Georgetown University Law Center (Dec. 2004).

“Our International Constitution,” Legal Theory Workshop, Michigan Law School (Nov. 2004).

Discussant on “The Governance Triangle: States, Firms, NGOs and Global Business Standards,” at the International Law Roundtable, Vanderbilt University Law School (Nov. 2004).

Panelist on "U.S. Detentions and the 'War on Terror': International Law and American Justice," Michigan Law School (Nov. 2004).

“International Law and the Execution of Juveniles,” Michigan Law School (Nov. 2004).

Panelist on "*Sosa v. Alvarez-Machain* and the Alien Tort Claims Act," at the conference on "International Law and the 2003-2004 Supreme Court Term: Building Bridges or Constructing Barriers Between National, Foreign and International Law?", University of Tulsa College of Law (Oct. 2004).

“Major Insights” panelist at the American Society of Comparative Law's Annual Meeting on "Comparative Law and Human Rights," Michigan Law School (Oct. 2004).

Panelist on "Wartime Security and Constitutional Liberty" at the American Branch of the International Law Association's annual International Law Weekend, New York (Oct. 2004).

“U.S. Unilateralism in Trade and Warmaking,” presented at a panel on “The Limits of International Law,” European Forum Alpbach, Alpbach, Austria (Aug. 30, 2004).

“The United States and the Vienna Convention on Consular Relations,” presented at a symposium on “The Death Penalty and Mexico-U.S. Relations,” UT Austin (April 14, 2004).

Discussant for the panel “Conflict Diamonds, the Kimberley Process and the WTO,” at the Conference on Trade and Human Rights, Georgetown University Law Center, Washington, D.C. (April 5, 2004).

“*Doe v. Unocal* and Executive Control of Human Right Litigation,” presented at a symposium on “Citizen Participation in the Global Trading System,” Rutgers School of Law, Newark, N.J. (March 5, 2004).

Panelist, “Courts & War on Terror,” at the “War on Terror” conference, LBJ School of Public Affairs, UT Austin (February 18, 2004).

“U.S. Compliance with Freedom of Association under International Law,” presented at a Human Rights Day symposium entitled “Are American Workers Free to Join Unions?” Austin (Dec. 10, 2003).

Discussant for the panel “Where Is the United States (and Who Is Within It)?” as part of the “Bicentennial Symposium: The Louisiana Purchase and American Expansion,” UT Law School (Feb. 20-22, 2003).

“Powers Inherent in Sovereignty: Indians, Aliens, Territories and the Nineteenth-Century Origins of Plenary Power over Foreign Affairs,” presented at International Law Workshop, Michigan Law School (Oct. 14, 2002).

“Why International Labor Standards?” presented at a panel on “International Labor Rights,” Boalt Law School, Berkeley, C.A. (Sept. 13, 2002).

“Powers Inherent in Sovereignty: Indians Aliens, Territories, and the Nineteenth-Century Origins of Plenary Power over Foreign Affairs,” Constitutional Law-Historical Foundations selection at the Third Annual Stanford/Yale Junior Faculty Forum, Yale Law School (May 31, 2002).

"Why International Labor Standards?" feature paper presented at International Labor Standards Conference, Stanford University (May 20, 2002).

"The Guantanamo Bay Detainees under International Law," sponsored by the UT-Austin Chapter of Amnesty International and the Cabinet of College Councils (May 26, 2002).

"Transient Jurisdiction, Sovereign Immunity, and the Alien Tort Claims Act," Texas International Law Journal's Symposium on International Litigation in honor of Russell Weintraub (February 21, 2002).

One of six former Supreme Court Clerks invited to participate in a symposium on "The Politics of the Supreme Court," Brown University (April 22, 2002).

Panelist, forum on Sept. 11 terrorist attacks and their aftermath, sponsored by the Austin Chronicle, UT Bass Lecture Hall (October 11, 2001).

"EU and US Trade Sanctions for Human Rights Purposes," paper delivered at conference on "The European Union in the World Economy," University of Siena, Italy (June 23, 2001).

Panelist for conference on "International Human Rights Law and the Rights of Migrant Farmworkers," American University School of Law (May 11, 2001).

"Human Rights Sanctions and the World Trade Organization," Oxford University (June 13, 2000).

"The Use of U.S. Unilateral Economic Sanctions to Promote Human and Labor Rights Abroad," paper delivered at conference on "The Environment, Human Rights, and International Trade," University of Siena, Italy (April 11, 2000).

"Labor Abuses in Burma and International Protection of Global Labor Rights," presentation for panel on "Labor Rights in the Age of Globalization," UT Law School (March 30, 2000).

"The Role of Human Rights Law in Protecting Civil Liberties in Latin America," panel presentation for symposium on "Challenges to Fragile Democracies in the Americas: Legitimacy and Accountability," UT Law School (Feb. 25, 2000).

"The 1996 Immigration Reforms and the Duty of *Nonrefoulement*," presentation for panel on "Immigration and the Federal Courts," for *Texas Law Review* symposium on "Restructuring Federal Courts," UT Law School (Oct. 15-16, 1999).

"Remedies for the Disappeared under the Inter-American System of Human Rights," presentation for panel on "International Law in Latin America," UT Law School (Oct. 7-10, 1999).

"Is International Law Part of Our Law? The Role of Treaties in U.S. Human Rights Compliance," Southwestern Legal Foundation, UT Law School (June 5, 1999).

"Immigrants and the Workplace: Challenges to Enforcement of Farmworker Rights" presentation at symposium on Immigration and Labor Rights, NYU Law School (April 1999).

"The Plenary Power Background of *Curtiss-Wright*," paper delivered at symposium on "Foreign Affairs Law at the End of the Century," University of Colorado at Boulder (Jan. 1999).

“The Effectiveness of Existing Human Rights Law for Protecting Reproductive Rights,” presentation to symposium on “Human Reproduction and the Role of International Law,” sponsored by *Texas Journal of International Law*, UT Law School (Feb. 1999).

“Domestic Enforcement of International Labor Rights” presentation with Professor Clyde Summers to workshop on “Work, Workers, and Law in the 21st Century,” Annual Meeting of Association of American Law Schools, New Orleans (Jan. 1999).

“Human Rights on the U.S. – Mexico Border,” presentation to San Antonio Bar Ass’n Int’l Law Section (July 1998).

“Human Rights in Haiti,” presentation to Travis County Women’s Bar Ass’n. (Spring 1998).

LITIGATION

Brief for Foreign and Comparative Law Experts Harold Hongju Koh, Thomas Buergenthal, Sarah H. Cleveland, Laurence R. Helfer, Ryan Goodman, and Sujit Choudhry as Amici Curiae in Support of Petitioners, *Obergefell v. Hodges* (No. 14-556) (March 2015) (Supreme Court brief addressing comparative foreign approaches to same sex marriage).

Brief for Professors Sarah H. Cleveland and William S. Dodge as Amici Curiae in Support of Respondent, *Bond v. United States* (No. 12-158) (U.S. 2013) (Supreme Court brief addressing the constitutional authority of Congress to implement the Chemical Weapons Convention under the Define and Punish Clause).

Brief for Foreign and Comparative Law Experts Harold Hongju Koh, Sarah H. Cleveland, Laurence R. Helfer, and Ryan Goodman as Amici Curiae Supporting Respondents, *Hollingsworth v. Perry* (No. 12-144) (U.S. 2013) (Supreme Court brief addressing comparative approaches to same-sex marriage).

As Counselor on International Law to the Legal Adviser, U.S. Department of State, assisted with numerous briefs at all levels of the federal judiciary, including oppositions to certiorari, amicus briefs, and merits briefs to the U.S. Supreme Court.

Brief Amicus Curiae of Interested Legal Scholars, *Achord v. Osceola Farms Co.* (4th DCA Fla., 2009) (addressing unconstitutionality of Florida non-resident cost bond statute).

Brief of Professors of Constitutional Law and Federal Jurisdiction as Amici Curiae in Support of Petitioners, *Boumediene v. Bush and Al Odah v. United States* (Nos. 06-1195 and 06-1196) (U.S. 2007) (co-author) (Supreme Court brief addressing the unconstitutionality of denying habeas corpus jurisdiction to aliens detained as enemy combatants on Guantanamo).

Brief of Amici Curiae Constitutional and International Law Professors in Support of Plaintiffs / Appellants, *Sarei v. Rio Tinto* (Nos. 02-56256 & 02-56390) (9th Cir. en banc, 2007) (co-author) (addressing application of political question doctrine to Alien Tort Statute litigation).

Brief of Amici Curiae Professors of Constitutional Law and Federal Jurisdiction Advocating Denial of Motion to Dismiss (Reversal), *Al-Marri v. Wright* (No. 06-7427) (4th Cir. 2006) (co-author) (addressing the unconstitutionality of denying habeas corpus jurisdiction to legal alien detained as an enemy combatant in the United States).

Brief of Professors of Constitutional and International Law as Amici Curiae, Mujica v. Occidental Petroleum (9th Cir. 2005) (co-author) (addressing judicial deference to the executive in human rights litigation).

Brief of Law Professors as Amici Curiae, Benitez v. Mata (No. 03-7434) (U.S. 2004) (Supreme Court brief addressing due process limits on indefinite detention of removable aliens).

Brief Amicus Curiae of Immigration and Labor Rights Organization in OC-18, Advisory Opinion on the Legal Status and Rights of Undocumented Workers, *Inter-American Court of Human Rights* (2003) (co-author) (addressing legal protections for migrant workers under international human rights law).

Jane Doe I v. Liu Qi, Case No. C-02-0672-CW-EMC (N. D. Cal. 2002) (expert affidavit regarding international protection of freedom of religion in suit against the Mayor of Beijing and others under the Alien Tort Claims Act for suppressing the rights of Falun Gong members).

Cruz Paz v. Bonita Tomato Growers', Inc., Case No. 95-370-CIV-FTM-17D (M.D. Fla.) (wrongful death and AWP challenge by individual farmworkers).

Quincy Farms v. United Farm Workers of America, Case No. 96-262-CAB (represented United Farm Workers in First Amendment challenge to anti-picketing injunction).

McDonald v. Okeelanta Corporation, Case No. CL-91-3105-AO (15th Jud. Cir., Palm Beach Cty., FL); *Phillip v. Atlantic Sugar Ass'n.*, Case No. CL-91-3107-AO (15th Jud. Cir., Palm Beach Cty., FL); *Pinnock v. Sugar Cane Growers Cooperative of Florida*, Case No. CL-91-3108-AO (wage claim class actions by foreign sugar cane workers).

NAACP v. Sec'y of Labor, 84 F. 3d 1432 (D.C. Cir. 1996) (represented class of approximately 30,000 farm workers in federal challenge to application of U.S. Department of Labor's wage regulations in the sugar industry).

Malcolm v. Okeelanta Corporation (15th Jud. Cir., Palm Beach Cty., FL) (represented 377 foreign sugar cane workers in contract challenge to workers' wrongful termination).

Haitian Centers Council v. McNary, 969 F.2d 1326 (2d Cir. 1992); and 969 F.2d 1350 (2d Cir. 1992) (assisted Yale Law School Lowenstein Clinic's legal representation of Haitians detained on the U.S. Naval base on Guantanamo and forcibly returned to Haiti under the U.S. Caribbean interdiction program).

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