

JOHN C. DEHN

Associate Professor & Faculty Director, National Security and Civil Rights Program
Loyola University Chicago School of Law
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Teaching/Academic Experience

Loyola University Chicago School of Law, Associate Professor 2013–present

Courses: *Constitutional Law; Criminal Law; Use of Force in International & Domestic Law; Criminal Procedure: Investigations; Public International Law*

Seminars: *Humanitarian Law & Conflict; Humanitarian Law in Practice; Othering in the Law of Nations*

Other: *Faculty Director, National Security and Civil Rights Program;*

Coach, International Humanitarian Law Competition Team (2016–2021)

West Point Center for the Rule of Law, U.S. Military Academy, Senior Fellow 2011–2019

United States Military Academy, Assistant Professor 2006-2007, 2008-2011

Courses: *Constitutional & Military Law, International Law, Honors Thesis*

Other: *Coach, Jean-Pictet International Humanitarian Law Competition Team; Law of War Education Coordinator; War Crimes Summer Study Instructor; Lecture in Professionalism*

Honors: Selected to Phi Kappa Phi Honor Society for achievement

Hamilton College, Distinguished Visiting Lecturer in American Public Policy and Practice Fall, 2010

Seminar: *War Powers: Law, Policy and Practice*

Publications

Articles and Book Chapters

Emerging Transnational Self-Defense Norms & Unrealized Liberal Values in BETWEEN CRIME AND WAR (2022) (Oxford University Press, Claire Finkelstein, et. al., eds.)

War is More Than a Political Question: Reestablishing Original Constitutional Norms 51 *Loyola U. Chi. L.J.* 485 (2019)

Why a President Cannot Authorize the Military to Violate (Most of) the Law of War, 59 *WM. & MARY L. REV.* 813 (2018)

Customary International Law, the Separation of Powers, and the Choice of Law in Armed Conflict, 102 *CARDOZO L. REV.* 2089 (2016)

Whither International Martial Law: Human Rights as Sword and Shield in Ineffectively Governed Territory in THE THEORETICAL BOUNDARIES OF ARMED CONFLICT AND HUMAN RIGHTS (Jens Ohlin, ed. 2016)

Targeted Killing, Human Rights and Ungoverned Spaces: Considering Territorial State Human Rights Obligations, 54 *HARVARD INT'L L. J. ONLINE* 84 (2013)

The Moral Dimension of Security Outsourcing, in THE FOUNDATIONS OF ORGANIZATIONAL EVIL (2012) [with Dr. Frank Anechiarico]

The Commander-in-Chief and the Necessities of War: A Conceptual Framework, 83 *TEMPLE L. REV.* 599 (2011) (Lead Article)

Targeted Killing: The Case of Anwar Al-Aulaqi, 159 U. PA. L. REV. PENNUMBRA 175 (2011)
[debate with Kevin Jon Heller]

Institutional Advocacy, Constitutional Obligations and Professional Responsibilities: Arguments for Government Lawyering Without Glasses, 110 COLUM. L. REV. SIDEBAR 73 (2010);
Response to: Trevor W. Morrison, *Stare Decisis in the Office of Legal Counsel*, 110 COLUM. L. REV. 1448 (2010)

The Hamdan Case and the Application of a Municipal Offence: The Common Law Origins of 'Murder in Violation of the Law of War', 7 J. INT'L CRIM. JUST. 63 (2009) (peer reviewed)

Permissible Perfidy? Analysing the Colombian Hostage Rescue, the Capture of Rebel Leaders and the World's Reaction, 6 J. INT'L CRIM. JUST. 627 (2008) (peer reviewed)

Why Article 5 Status Determinations are not 'Required' at Guantánamo, 6 J. INT'L CRIM. JUST. 371 (2008) (peer reviewed)

Armed Humanitarian Intervention and International Law: a Primer for Military Professionals, MIL. REV., Nov.-Dec., 2007

Selected Online Commentary

The UN Charter's Original Effect on State Sovereignty & the Use of Force, JUST SECURITY, August 27, 2020 at <https://www.justsecurity.org/72177/the-un-charters-original-effect-on-state-sovereignty-and-the-use-of-force/>

The U.S. Constitution & Limits on Detention and the Use of Force in Civil Unrest, JUST SECURITY, June 3, 2020 at <https://www.justsecurity.org/70535/the-u-s-constitution-and-limits-on-detention-and-use-of-force-in-handling-civil-unrest/>

When Constitutional Rules May No Longer Be Law: A Response to Goldsmith and Glennon, LAWFARE May 14, 2018 at <https://www.lawfareblog.com/when-constitutional-rules-may-no-longer-be-law-response-goldsmith-and-glennon>

Calling on Congress and the President's Advisors to Defend the Constitution, JUST SECURITY, April 25, 2017 at <https://www.justsecurity.org/40254/calling-congress-presidents-advisors-defend-constitution/>; NEWSWEEK, April 27, 2017 <http://www.newsweek.com/congress-not-trump-must-decide-whether-we-go-war-north-korea-590123>

The DoD Law of War Manual's Potential Contribution to International Law, Just Security, July 16, 2016 <https://www.justsecurity.org/24675/dod-law-war-manuals-potential-contribution-international-law/>

Dehn on Syria and Humanitarian Intervention, LAWFARE Sep. 6, 2013
<http://www.lawfareblog.com/2013/09/dehn-on-syria-and-humanitarian-intervention/>

May the US (Still?) Use Military Commissions for Crimes in Iraq? OPINIO JURIS, Feb. 26, 2012 available at <http://opiniojuris.org/2012/02/26/may-the-u-s-still-use-military-commissions-for-crimes-in-iraq/>

Congress's Constitutional Power to Establish National War Policy in Violation of International Law – A (Belated) Response to Professors Golove & Kent, OPINIO JURIS, Sep. 5, 2011 available at <http://opiniojuris.org/2011/09/06/congress's-constitutional-power-to-establish-national-war-policy-in-violation-of-international-law—a-belated-response-to-professors-golove-kent-2/>

The “Costs” of Accountability in War, OPINIO JURIS, Aug. 16, 2011 at <http://opiniojuris.org/2011/08/16/the-costs-of-accountability-in-war/>

Targeted Killing and the Rule of Law: Targeting Citizens in Armed Conflict: Examining the Threat to the Rule of Law . . . in Context, CATO – Unbound, Jun. 8, 2011 at <http://www.cato-unbound.org/2011/06/08/john-c-dehn/targeting-citizens-in-armed-conflict-examining-the-threat-to-the-rule-of-law-in-context>

Works in Progress

The Good Officer? General Milley and the “Necessity” of Constitutional Fidelity

The Underappreciated Power to Protect Against Invasion

The Power to Declare Public War: Recovering Critical Original Context

Federal Protective Powers & Constitutional Text

Selected Lectures, Presentations and Conferences

Organizer/Moderator/Panelist, **Webinar:** *Ukraine & Other Threats to the Rule of Law*, Loyola University Chicago School of Law, Chicago, IL (Mar. 10, 2022)

Faculty Advisor & Moderator/Discussant, **Webinar:** *Gender and Armed Conflict*, International Law Review Annual Symposium, Loyola University Chicago School of Law, Chicago, IL (Feb. 18, 2022)

Author Panelist, 30th Anniversary National Institute of Military Justice Symposium: *Thirty Years of Military Justice*, Georgetown Center on National Security and the Law, Georgetown Law School, Washington, D.C. (Oct. 28, 2021)

Panelist, *Left of Launch: Communication & Threat Escalation in a Nuclear Age*, Center for Ethics and the Rule of Law, University of Pennsylvania Law School & Annenberg Public Policy Center, University of Pennsylvania (virtual) (Apr. 21-23, 2021)

Organizer & Moderator: *Recalibrating Emergency Presidential Powers*, Loyola University Chicago School of Law, Chicago, IL (March 25, 2021)

Organizer & Moderator: *Domestic Terrorism: Should Congress Create New Federal Crimes?* Loyola University Chicago School of Law, Chicago, IL (February 18, 2021)

Organizer, Moderator & Panelist: *Are we Ready for Politically Motivated Violence*, Loyola University Chicago School of Law, Chicago, IL (January 21, 2021)

Organizer, Moderator, & Panelist, *National Security Law & the 2020 Election*, Loyola University Chicago School of Law, Chicago, IL October 15, 2020

Organizer & Moderator, *Election Law & the 2020 Election*, Loyola University Chicago School of Law, Chicago, IL (October 15, 2020)

Panelist: Supreme Court Roundup, *The Implications of the Carpenter Case*, Loyola University Chicago School of Law, Chicago, IL (Apr. 9, 2018)

Discussant: *Cyber Conflict: The Law and the Lawyer* [discussion with Brigadier General Joseph Berger, U.S. Army Judge Advocate General's Corps], Loyola University Chicago School of Law, Chicago, IL (Jan. 24, 2018)

Lecture, *North Korea and Self-Defense: Can America Legally Strike First?*, Loyola University Chicago School of Law, Chicago, IL (Aug. 24, 2017)

Why the Military Must Comply with (Most) of the Law of War, Stockton Center for the Study of International Law, United States Naval War College, Newport, RI (Dec. 8, 2016)

Author Participant, *Using Law to Fight Terror*, Center for Ethics and the Rule of Law, University of Pennsylvania Law School, Philadelphia, PA (Oct. 27, 2016)

Why Most of the Executive Branch Must Comply with Most of the Law of War, University of Connecticut Law School, Hartford, CT (Oct. 11, 2016)

International Law and U.S. Military Operations, Stockton Center for the Study of International Law, United States Naval War College, Newport, RI (Oct. 4, 2016)

The Relevance of International Law to Military Operations, Yankee Operational Law Training Symposium, United States Naval War College, Newport, RI (Jun. 16, 2016)

The Constitutional Power to Punish in War, Mid-American Jesuit Workshop, Marquette Law School, Milwaukee, WI (Feb. 26, 2016)

Symposium Organizer, Speaker, and Panel Moderator: *The New Law of War Manual: Accurate? Authoritative? Influential?* Loyola University Chicago School of Law, Chicago, IL (Feb. 12, 2016)

The Constitutional Power to Punish in War, Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL (Nov. 26, 2016) (moderated four other panels)

Panelist, Urban Warfare Symposium: Operational, Ethical and Legal Challenges, Pritzker Military Museum & Library (in partnership with Consulate General of Israel to the Midwest) (May 7, 2015)

The Conflict of Laws in Armed Conflicts and Wars, Mid-American Jesuit Workshop, Loyola University Chicago School of Law, Chicago, IL (Feb. 20, 2015)

The Conflict of Laws in Armed Conflicts and Wars, ASIL International Law in Domestic Courts Workshop, Santa Clara Law School, CA (Dec. 5, 2014)

The Conflict of Laws in Armed Conflict and Wars, Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL (Nov. 8, 2014)

Panelist, *The Legality of Airstrikes Against ISIS in Syria*, Loyola University Chicago School of Law, Chicago, IL (Oct. 8, 2014)

Symposium Organizer and Moderator: *National Security Law, Policy, and Practice: Are We Safer in 2014 and at What Cost?* Loyola University Chicago School of Law, Chicago, IL (Feb. 7, 2014)

Whither International Martial Law? ASIL International Legal Theory Interest Group Symposium: The Theoretical Boundaries of Armed Conflict and Human Rights, Washington D.C. (Nov. 8, 2013)

Moderator, *Roundtable on Cyberwar and the Rule of Law*, Center for Ethics and the Rule of Law, University of Pennsylvania Law School, Philadelphia, PA (Oct. 15, 2012)

Panelist, Extrajudicial and Targeted Killings, Harvard International Law Journal Symposium: *State Ethics: Controlling the Behavior of States and Their Partners*, Harvard Law School, Cambridge, MA (Feb. 2012)

Panelist, Debate on Extrajudicial Killing [with Philip Alston], Fordham Law School, New York, NY (Feb. 2, 2012)

Panelist, The Global Projection of U.S. Legal Norms, *The Constitution and the World*, Stanford Constitutional Law Center, Stanford Law School, Stanford, CA (Oct. 27, 2011)

Moderator, *Is Targeted Killing Permissible? Using Targeted Killing to Fight the War on Terror*, Institute for Law and Philosophy, University of Pennsylvania Law School, Philadelphia, PA (Apr. 2011)

Panelist, *Challenges to a Differentiated Jus ad Bellum/Jus in Bello of Self-Defense*, Symposium: Challenges to International Law, Challenges from International Law: New Realities and the Global Order, St. John's Law School, Queens, NY (Apr. 1 2011)

The Laws of War in Comparative Perspective: The Past, the Present, and Implications for the Future, Princeton School of Public and International Affairs, Princeton University, Princeton, NJ (Mar. 2011)

Panelist, *Debating the Issues in the al-Aulaqi Case*, Benjamin N. Cardozo School of Law, Yeshiva University, New York, NY (Dec. 2010)

Discussant, *Prosecuting War Crimes in National or International Tribunals*, Telford Taylor Memorial Conference of the Journal of International Criminal Justice; Columbia Law School & West Point, NY (Sep. 2010)

International Humanitarian Law in Comparative Perspective: The Past, the Present, and Implications for the Future, Comparative and Foreign Law Committee, The Association of the Bar of the City of New York, NY (Apr. 2010)

Panelist, *The Obligations of States and the Rights and Remedies of Individuals in the War on Terror*, The Association of the Bar of the City of New York, NY (Feb. 2010)

Panelist, *The Transatlantic Dialogues on International Law: The Future of Preventive Detention*, hosted by The Atlantic Council of the United States, Washington, D.C. (Dec. 2009)

Implementing International Humanitarian Law in the U.S. Army – Successes, Failures and Possible Improvements, Geneva Academy of International Humanitarian Law and Human Rights, University of Geneva, Geneva, Switzerland (Mar. 2009)

Rediscovering the Rule of Law through the Laws of War, Princeton School of Public and International Affairs, Princeton University, Princeton, NJ (Dec. 8, 2008)

Education

<p>Columbia University Law School</p> <ul style="list-style-type: none"> • James Kent Scholar (2008) • Concentrations: Public International Law, National Security Law 	<p>LL.M. (2008)</p>
<p>The Judge Advocate General's School, U.S. Army</p>	<p>LL.M. (2003)</p>

University of Oklahoma College of Law J.D., highest honors (1998)

- Order of the Coif
- Judicial Intern: The Honorable Wayne E. Alley (BG, US Army (Ret)), US District Court for the Western District of Oklahoma (1996)

United States Military Academy, West Point B.S. (1990)

- Major: Engineering Physics

Professional Activities/Memberships

Fellow, National Institute of Military Justice (2021-present)

Member, Shadow Advisory Report Group of [Military Justice] Experts (2020-present)

Editorial Committee, *Journal of International Criminal Justice* (2008-present)

Editorial Board, *Public Integrity* (2015-2020)

American Society of International Law (2009-2018)

American Bar Association (2014-present)

Oklahoma Bar Association (1998-present)

Work Experience

Judge Advocate, U.S. Army September 1998 - August 2013

- Deputy legal advisor to Army activity at a joint base supervising administration of military justice and joint base administrative, fiscal, and military law issues
- Advisor to criminal investigation and prosecution team chief related to allegations of detainee abuse surrounding the December 2002 deaths of two detainees in Afghanistan
- Executive officer for office providing technical guidance and assistance to U.S. Army prosecutors throughout the world
- Staff attorney in a high-level headquarters providing military administrative, military criminal, international, and federal law guidance to deploying Army units
- Army installation: Chief of Military Justice (chief prosecutor supervising four prosecutors and paralegal staff), Chief of Administrative Law (functional equivalent of a city attorney supervising up to three attorneys and paralegal) and Chief of Legal Assistance (advising/assisting soldiers with military administrative and civil legal issues)

Commissioned Officer, U.S. Army May 1990 - August 1998

- Artillery and logistics officer, primarily in paratrooper units – led and managed units of up to 260 soldiers providing combat and aerial logistics support; managed millions of dollars of military equipment and budgets of up to \$500,000
- Supported Hurricane Andrew relief (1992) and Haiti (1994) deployments by supervising execution of significant aspects of aerial unit deployment and aerial resupply
- Earned military certifications as aerial delivery officer, parachutist, and jumpmaster
- Selected for government-funded law degree program