

JOHN C. DEHN

Professor of Law & 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 (2013-present);*

Coach, Law of War Competition Team (2017–2021)

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

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

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

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; Lecturer in Professionalism*

Honors: Selected to Phi Kappa Phi Honor Society

Publications

Articles and Book Chapters

The Good Officer: President Trump, General Milley, and the “Necessity” of Constitutional Fidelity, 90 Brook. L. Rev. 1 (2024)

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

The Good Officer? Evaluating General Milley’s Constitutional Dilemma, JOURNAL OF NAT’L SEC. L. & POL’Y SYMPOSIUM (2021)

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 (Cambridge University Press, 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

A Monstrous Misunderstanding of Martin v. Mott: Why the Supreme Court Should Stay Its Hand Rather Than Judge Perry's Temporary Restraining Order, The Volokh Conspiracy (reason.com), Oct. 23, 2025 at <https://reason.com/volokh/2025/10/23/a-monstrous-misunderstanding-of-martin-v-mott-why-the-supreme-court-should-stay-its-hand-rather-than-judge-perrys-temporary-restraining-order/>

Deference Due?: Trump, the National Guard, and the Misuse of Martin v. Mott, The Volokh Conspiracy (reason.com), Oct. 14, 2025 (with Joshua Braver) at <https://reason.com/volokh/2025/10/14/deference-due-trump-the-national-guard-and-the-misuse-of-martin-v-mott/?nab=1>

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 Limits of Judicial Deference in Domestic Emergencies
- Conflict Classification in Constitutional Law
- The Underappreciated Power to Protect Against Invasion
- The Power to Declare Public War: Recovering Critical Original Context

Selected Lectures, Presentations and Conferences

- Author Panelist, *The Limits of Judicial Deference in Domestic Emergencies*, Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL (Nov. 8, 2025)
- Panelist, *Regulating the Portal to the Prerogative State*, Seventh Circuit Bar Foundation and Loyola University Chicago Rule of Law Institute Conference: The Rule of Law and the American Experiment, Loyola University Chicago, Chicago, IL (Oct. 25, 2025)
- Panelist, Webinar: *Federal Agents, Chicago, and the Constitution*, Loyola University Chicago School of Law (Oct 15, 2025)
- Organizer & Panelist, Webinar: *Troops with ICE in Chicago's Streets? A Discussion of Legal Issues*, Loyola University Chicago School of Law, Sep. 10, 2025

Discussant, *Civil-Military Relations Workshop*, University of Wisconsin-Madison School of Law, Aug. 13-14, 2025

Panelist, *Navigating the Storm: Disruption in the Rule of Law Sector and Charting a Path Forward*, Loyola University Chicago Rule of Law Institute (Webinar)(Apr. 30, 2025)

Panelist, *The United States Military in the Age of President Trump 2.0: Exploring President Trump's Reimagining of the U.S. Military*, University of Illinois College of Law (webinar) (Feb. 21, 2025)

Organizer/Moderator/Panelist, *Countdown to Chaos? National Security & Trump 2.0*, Loyola University Chicago School of Law (Jan. 16, 2025)

Panelist, *A Shot in the Dark: Executive Authority Over the Military in Elections and Beyond*, Annual Meeting of the Association of American Law Schools, San Francisco, CA (Jan. 9, 2025)

Organizer & Panelist, *Supreme Court Review*, Loyola University Chicago School of Law (Sep. 24, 2024)

Author Panelist, *The Good Officer? General Milley and the "Necessity" of Constitutional Fidelity*, Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL (Nov. 11, 2023)

Organizer & Moderator, *Affirmatively Wrong? A Discussion of Students for Fair Admissions v. Harvard*, Loyola University Chicago School of Law, Chicago, IL (Aug. 31, 2023)

Author Panelist, *The Underappreciated Power to Protect Against Invasion*, Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL (Nov. 5, 2022)

Author Panelist, *The Power to Declare Public War: Recovering Critical Original Context*, Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL (Nov. 4, 2022)

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)

Participant, *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, *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 & 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 & 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)

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)

Faculty Affiliate, Loyola Institute for Racial Justice (2023-present)

Member, Shadow Advisory Report Group of [Military Justice] Experts (2020-2022)

Editorial Committee, *Journal of International Criminal Justice* (2008-2025)

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 joint base supervising administration of military justice and joint base administrative, fiscal, and other military law issues
- Prosecution team chief regarding detainee abuse allegations surrounding the December 2002 deaths of two detainees in Afghanistan
- Executive officer of team providing technical assistance to U.S. Army prosecutors worldwide
- Staff attorney in a high-level headquarters providing military administrative, criminal, international, and other guidance to most U.S. based Army installations and units
- Army installation Chief of Military Justice (Chief Prosecutor), Chief of Administrative Law, and Chief of Legal Assistance, & Administrative Law Attorney

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

- Artillery officer, logistics officer, and paratrooper in airborne units – led and managed up to 260 soldiers providing artillery reconnaissance and aerial logistics support; managed millions of dollars of military equipment and annual budgets of up to \$500,000
- Supported Hurricane Andrew relief (1992) and Haiti (1994) deployments by supervising the execution of aerial unit deployment and resupply