

## JOHN C. DEHN

Senior Fellow, West Point Center for the Rule of Law, U.S. Military Academy  
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### Teaching/Academic Experience

**West Point Center for the Rule of Law, U.S. Military Academy**, *Senior Fellow* 2011- present

**United States Military Academy**, *Assistant Professor* 2006 – 2011

Courses: *International Law; Constitutional and Military Law; Honors Thesis*

Other: *Coach, Jean-Pictet International Humanitarian Law Competition Team; Law of War Education Coordinator*

Honors: Selected to Phi Kappa Phi Honor Society for faculty achievement

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

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

### Primary Teaching and Research Interests

National Security Law; International Law; Professional Responsibility; Administrative Law; Federal Courts; International Criminal Law; Criminal Law & Procedure; Constitutional Law

### Publications

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

*The Moral Dimension of Security Outsourcing*, in THE FOUNDATIONS OF ORGANIZATIONAL EVIL (forthcoming 2011) [with Dr. Frank Anechiarico]

*Targeting 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)

*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)

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

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

### Selected Invited Commentary

*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/>

*An Opportunity for Judicial Review of the Existence of Armed Conflict?*, *Opinio Juris* Aug. 19, 2011 available at <http://opiniojuris.org/2011/08/19/an-opportunity-for-judicial-review-of-the-existence-of-armed-conflict/>

*Should the Judiciary Question the Existence of Armed Conflict?*, *Opinio Juris*, Aug. 18 2011 available at <http://opiniojuris.org/2011/08/18/should-the-judiciary-question-the-existence-of-armed-conflict/>

*The “Costs” of Accountability in War*, *Opinio Juris* Aug. 16, 2011 available 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 available 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>

*John Dehn Responds to Raha Wala Regarding Military Commissions*, *Lawfare*, Feb. 24, 2011 available at <http://www.lawfareblog.com/2011/02/1428/>

*The Relevance of International Law to (the Substantive and Procedural Rules of) Preventive Detention in Armed Conflict – A Rejoinder to Al-Bihani*, *Opinio Juris*, Jan. 18, 2010, available at <http://opiniojuris.org/2010/01/29/the-relevance-of-international-law-to-the-substantive-and-procedural-rules-of-preventive-detention-in-armed-conflict-%e2%80%93-a-rejoinder-to-al-bihani/>

*The Constitutional Rights of Public Enemies in Armed Conflict*, *Opinio Juris*, Nov. 18, 2009, available at <http://opiniojuris.org/2009/11/18/the-constitutional-rights-of-public-enemies-in-armed-conflict/>

### **Works in Progress**

The Conflict of Laws in Armed Conflict and War [part of J.S.D. work]:

The Limits of Lethal Covert Action Against U.S. Citizens

The Laws of War in Comparative Perspective: The Past, Present and Implications for the Future

Challenges to a Differentiated *Jus ad Bellum* & *Jus in Bello* of Self-Defense

### **Invited Lectures/Presentations and Conferences**

Invited Panelist, *The Constitution and the World*, Stanford Constitutional Law Center, Stanford Law School, Stanford, CA (October 2011)

Invited Moderator, *Is Targeted Killing Permissible?* Institute for Law and Philosophy, University of Pennsylvania Law School, Philadelphia, PA, April 2011

Invited Panelist, “Challenges to a Differentiated Jus ad Bellum/Jus in Bello of Self-Defense,” *Challenges to International Law, Challenges from International Law: New Realities and the Global Order*, St. John’s Law School, Queens, NY, April 2011

Invited Speaker, “The Laws of War in Comparative Perspective: The Past, the Present, and Implications for the Future,” Woodrow Wilson School of Public and International Affairs, Princeton University, Princeton, NJ, March 2011

Invited Panelist, “Implementing the Responsibility to Protect in U.N. Peacekeeping Operations: Worthy Goal or Inevitable Failure?” University of Amsterdam, Amsterdam, The Netherlands, February 2011

Invited Panelist, “Debating the Issues in the al-Aulaqi Case,” Benjamin N. Cardozo School of Law, Yeshiva University, New York, NY, December 2010

Invited Lecturer, “The Rest of the ‘Taxi to the Dark Side’ Story: Legal and Practical Obstacles to the Criminal Enforcement of International Humanitarian Law,” Seton Hall University School of Law, Newark, NJ, November 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, September 2010

Invited Speaker, “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, April 2010

Invited Lecturer, “An Introduction to International Humanitarian Law and its Implementation in the U.S. Military,” Seton Hall University School of Law, Newark, NJ, March 2010

Invited 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, February 2010

Invited Expert and Panelist, *The Transatlantic Dialogues on International Law: The Future of Preventive Detention*, hosted by The Atlantic Council of the United States, Washington, DC, December 2009

Lecturer, International Diploma in Humanitarian Assistance (Center for International Humanitarian Cooperation, New York Program), Fordham University, New York, NY, June 2009

Invited Lecture, “Military Commissions: Origins, Jurisdiction, Governing Law and Alternatives” (Continuing Legal Education), Brooklyn Bar Association, Brooklyn, NY, April 2009

Invited Lecture, “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, March 2009

Speaker, “Our Common Law of War: The Common Law Theory of Law of War Violations at Courts-Martial and Military Commissions,” Department of Law, U.S. Air Force Academy, Colorado Springs, CO, March 2009

Invited Speaker, “Rediscovering the Rule of Law through the Laws of War,” Woodrow Wilson School of Public and International Affairs, Princeton University, Princeton, NJ, December 2008

Presenter (with Dr. Frank Anechiarico), “Ultimately Unaccountable? Governance of Private Military Companies Nationally, Supranationally, and Internationally,” Fourth Transatlantic Dialogue, Bocconi University, Milan, Italy, June 2008

Student Panelist, DEFENDING HUMANITY Book Review, “The Dangers of Eliminating State Sovereignty and Collective Action in Humanitarian Intervention,” Columbia Law School, New York, NY, March 2008

Invited Lecture, “The President, the Congress, and the Global War on Terrorism,” Hamilton College, Clinton, NY, March 2008

### **Professional Activities/Memberships**

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

American Society of International Law (2009-present)

*Interest Group Member: International Law in Domestic Courts, International Criminal Law, International Legal Theory, Lieber Society, Teaching International Law*

International Law Association, American Branch (2009-2010)

Oklahoma Bar Association (1998-present)

### **Education**

#### **Columbia University Law School**

**LL.M. (2008); J.S.D. (ABD)**

- Dissertation: “The Laws of War, the Rule of Law and Civil-Military Relations in Armed Conflict”
- James Kent Scholar (2008)
- Concentrations: Public International Law, Foreign Relations/National Security Law

#### **The Judge Advocate General’s School, U.S. Army**

**LL.M. (2003)**

#### **University of Oklahoma College of Law**

**J.D., highest honors (1998)**

- Order of the Coif
- Judicial Summer Intern: The Honorable Wayne E. Alley, U.S. District Court for the Western District of Oklahoma (1996)

#### **United States Military Academy, West Point**

**B.S. (1990)**

- Concentration: Engineering Physics

### **Other Work Experience**

Judge Advocate, U.S. Army

September 1998 - Present

- Principle deputy legal advisor to a military installation
- Specially appointed advisor to criminal investigation for allegations of detainee abuse surrounding the December 2002 deaths of two detainees in Afghanistan

- Executive officer of an 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; responsible for revising pre-deployment legal training guidance after Abu Ghraib abuse revelations
- One year terms as an army installation Chief of Military Justice (chief prosecutor supervising four prosecutors), Chief of Administrative Law (functionally the equivalent of a city attorney) and Chief of Legal Assistance (advising/assisting soldiers with military administrative and civil legal issues)

Commissioned Officer, U.S. Army

May 1990 - August 1995

- Artillery and logistics officer, primarily in airborne (paratrooper) units – led and managed units of up to 260 members providing combat and aerial logistics support; managed the maintenance of millions of dollars of military equipment and budgets of up to \$500,000
- Supported Hurricane Andrew relief and Haiti (1994) deployments, primarily aerial deployment and resupply
- Military certifications as aerial delivery officer, parachutist and jumpmaster
- Selected for government funded law degree

### References

Jose E. Alvarez  
 Herbert and Rose Rubin Professor of International Law  
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 Professor and Deputy Department Head,  
 Department of Law  
 United States Military Academy  
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