

JOHN T. PARRY

Associate Dean of Faculty and Edward Brunet Professor of Law
Lewis & Clark Law School

10015 S.W. Terwilliger Blvd.
Portland, Oregon 97219
503-768-6888, parry@lclark.edu
<http://ssrn.com/author=68608>

LAW TEACHING POSITIONS

Northwestern School of Law of Lewis & Clark College

Associate Dean of Faculty, 2016- ; Edward Brunet Professor of Law, 2016-
Jeffrey Bain Faculty Scholar and Professor of Law, 2014-2016
Professor of Law, 2007-2014; Associate Professor, 2006-2007; Visiting Professor, 2004-06
Courses Currently or Recently Taught: Civil Procedure, Civil Rights Litigation, Conflict of
Laws, Federal Courts, Legal Methods
Other Courses Taught: Constitutional Law I & II, Criminal Law, Criminal Procedure I
(investigative), U.S. Foreign Relations Law

Member of the American Law Institute, elected 2010
Member of the Oregon Law Commission, 2016-

University of Pittsburgh School of Law

Associate Professor (tenured), 2003-2006; Assistant Professor, 1998-2003
Courses: Administrative Law, Civil Procedure, Civil Rights Litigation, Constitutional Law,
Criminal Law, Legal Process, Judicial Review and Interpretive Authority (seminar)

University of Chicago Law School

Bigelow Teaching Fellow and Lecturer in Law, 1997-98

EDUCATION

Harvard Law School, J.D., *magna cum laude*, 1991

Harvard Law Review – Supreme Court Editor, 1990-91; Member, 1989-91

Princeton University, A.B., *summa cum laude*, 1986

Major – History/Program in Creative Writing; F. LeMoyne Page Thesis Award

BOOKS

The Constitution and the Future of Criminal Justice in America (Cambridge Univ. Press 2013)
(editor with L. Song Richardson)

Understanding Torture: Law, Violence, and Political Identity (Univ. of Michigan Press 2010)

Rights, Citizenship, and Torture: Perspectives on Evil, Law and the State (Inter-Disciplinary
Press 2009) (editor with Welat Zeydanlıoğlu)

Evil, Law and the State: Perspectives on State Power and Violence (Rodopi Press, 2006) (editor)

CASEBOOKS & TREATISES

Cases and Problems in Civil Rights Litigation: State, Federal, and International Perspectives (Semaphore Press 2016)

Summary Judgment: Federal Law and Practice (West, annual editions) (with Edward J. Brunet & Martin H. Redish) – joined the book beginning with the 2014 edition

Criminal Law: Cases, Statutes, and Lawyering Strategies (LexisNexis) (with David Crump, Neil P. Cohen, and Penelope Pether) – 1st edition 2005; 2nd edition 2010; 3rd edition 2013

BOOK CHAPTERS

Crime Across Borders: Globalization, Executive Power, and the Transformation of Criminal Justice, in *The Constitution and the Future of Criminal Justice in America* 310-331 (John T. Parry & L. Song Richardson eds., Cambridge Univ. Press 2013)

Pain, Interrogation, and the Body: State Violence and the Law of Torture, in *Evil, Law and the State: Perspectives on State Power and Violence* 1-16 (John T. Parry ed., Rodopi Press 2006)

Escalation and Necessity: Defining Torture at Home and Abroad, in *Torture: A Collection* 145-164 (Sanford Levinson ed., Oxford Univ. Press 2004; expanded paperback edition 2006)

Collective and Individual Responsibility for Acts of Terrorism, in *Understanding Evil: An Interdisciplinary Approach* 107-126 (Margaret S. Breen ed., Rodopi Press 2003)

ARTICLES AND ESSAYS IN PRINT JOURNALS

States of Torture: Debating the Future of Coercive Interrogation, 84 *Tennessee Law Review* ____-__ (forthcoming 2017) (symposium on “The Savage Wars of Peace”)

The Political Theory of Treaties in the Restatements of Foreign Relations Law, 2015 *BYU Law Review* 1581-1637 (symposium on treaty law and the project to draft a Fourth Restatement of Foreign Relations Law)

Rethinking Personal Jurisdiction after Bauman and Fiore, 19 *Lewis & Clark Law Review* 607-641 (2015) (organized and contributed to symposium on personal jurisdiction)

What is the Grotian Tradition in International Law?, 35 *Univ. of Pennsylvania Journal of International Law* 299-377 (2013)

Grounding Rights: Some Questions for Jeremy Waldron, *American Philosophical Association Newsletter on Philosophy and Law*, vol. 11, issue 2, pages 6-10 (Spring 2012) (symposium honoring Jeremy Waldron)

International Law in State Courts: Sovereignty, Resistance, Contagion, and Inevitability, 20 Willamette Journal of International Law & Dispute Resolution 57-78 (2012) (symposium on international law in state government)

Due Process, Borders, and the Qualities of Sovereignty: Some Thoughts on J. McIntyre Machinery v. Nicastro, 16 Lewis & Clark Law Review 827-866 (2012) (organized and contributed to symposium on personal jurisdiction)

Oklahoma's Save Our State Amendment and the Conflict of Laws, 65 Oklahoma Law Review 1-39 (2012) (by special arrangement)

- together with *Oklahoma's Save Our State Amendment: Two Issues for the Appeal*, 64 Oklahoma Law Review 161-69 (2012)

International Extradition, the Rule of Non-Inquiry, and the Problem of Sovereignty, 90 Boston Univ. Law Review 1973-2029 (2010)

Responses to the Ten Questions, Journal of the National Security Forum, 36 William Mitchell Law Review 5141-5156 (2010)

Torture Nation, Torture Law, 97 Georgetown Law Journal 1001-1056 (2009)

A Primer on Treaties and § 1983 After Medellín v. Texas, 13 Lewis & Clark Law Review 35-72 (2009) (organized and contributed to symposium on *Medellin v. Texas*)

Congress, the Supremacy Clause, and the Implementation of Treaties, 32 Fordham International Law Journal 1209-1335 (2009)

Rights and Discretion in Criminal Procedure's "War on Terror," 6 Ohio State Journal of Criminal Law 323-333 (2008) (refereed)

Torture Warrants and the Rule of Law, 71 Albany Law Review 885-906 (2008) (symposium on the work of Alan Dershowitz)

Finding a Right to be Tortured, 19 Law and Literature 207-227 (2007) (refereed) (symposium on law and literature after 9/11)

Sanchez-Llamas in Context, 11 Lewis & Clark Law Review 1-15 (2007) (organized and wrote introduction to symposium on *Sanchez-Llamas v. Oregon*)

- reprinted in *Foreign Criminals: Consular Assistance* (A. Sabitha ed., Amicus Books/Icfai Univ. Press 2008)

Terrorism and the New Criminal Process, 15 William & Mary Bill of Rights Journal 765-835 (2007)

- excerpted in *Fight Against Terrorism: Legal Responses* (D. Sujatha ed., Amicus Books/Icfai Univ. Press 2008)

Law, Seduction, and the Sentimental Heroine: The Case of Amelia Norman, 78 *American Literature* 325-355 (June 2006) (with Andrea L. Hibbard) (refereed)

- awarded the 2007 Interdisciplinary Nineteenth Century Studies Association Essay Prize

The Shape of Modern Torture: Extraordinary Rendition and Ghost Detainees, 6 *Melbourne Journal of International Law* 516-533 (2005) (invited and refereed)

- reprinted in *Torture: A Legal Debate* (K. Naga Sri Valli ed., Amicus Books/Icfai Univ. Press 2007)

Constitutional Interpretation, Coercive Interrogation, and Civil Rights Litigation after Chavez v. Martinez, 39 *Georgia Law Review* 733-838 (2005)

"Society Must Be [Regulated]": Biopolitics and the Commerce Clause in Gonzales v. Raich, 9 *Lewis & Clark Law Review* 853-877 (2005) (symposium on *Gonzales v. Raich*)

"Just for Fun": Understanding Torture and Understanding Abu Ghraib, 1 *Journal of National Security Law & Policy* 253-284 (2005) (symposium on torture)

Progress and Justification in American Criminal Law, 40 *Tulsa Law Review* 639-670 (2005) (symposium in honor of Lawrence M. Friedman)

What is Torture, Are We Doing It, and What if We Are?, 64 *Univ. of Pittsburgh Law Review* 237-262 (2003)

No Appeal: The U.S.-U.K. Supplementary Extradition Treaty's Attempt to Create Federal Jurisdiction, 25 *Loyola of L.A. International and Comparative Law Review* 543-579 (2003) (symposium on international extradition)

The Lost History of International Extradition Litigation, 43 *Virginia Journal of International Law* 93-171 (2002)

Interrogating Suspected Terrorists: Should Torture be an Option?, 63 *Univ. of Pittsburgh Law Review* 743-766 (2002) (with Welsh S. White) (symposium on terrorism)

- reprinted in *National Security, Civil Liberties, and the War on Terror* (Katherine Darmer & Richard D. Fybel eds, Prometheus Books 2011), and in *Civil Liberties vs. National Security in a Post-9/11 World* (Katherine Darmer et al. eds., Prometheus Books 2004)

Judicial Restraints on Illegal State Violence: Israel and the United States, 35 *Vanderbilt Journal of Transnational Law* 73-149 (2002)

The Virtue of Necessity: Reshaping Culpability and the Rule of Law, 36 *Houston Law Review* 397-469 (1999)

Culpability, Mistake, and Official Interpretations of Law, 25 *American Journal of Criminal Law* 1-78 (1997)

BOOK REVIEWS AND ONLINE-ONLY SCHOLARSHIP

Treaties in Constitutional Time, contribution to *Symposium: The Death of Treaty Supremacy-An Invisible Constitutional Change*, *Opinio Juris* (Feb 15, 2017),

<http://opiniojuris.org/2017/02/15/treaties-in-constitutional-time/#respond>

Review of Fleur Johns, *Non-Legality in International Law: Unruly Law* (2013), 48 *Law & Society Review* 484-85 (2014)

Review of *Secrecy, National Security and the Vindication of Constitutional Law* (David Cole, Federico Fabbrini, and Arianna Vidaschi, eds.), *Criminal Law and Criminal Justice Books*,

<http://clcjbooks.rutgers.edu/books/secrecy-national-security-and-the-vindication-of-constitutional-law.html> (May 2014)

Review of George C. Thomas III & Richard A. Leo, *Confessions of Guilt: From Torture to Miranda and Beyond* (2012), 38 *Criminal Justice Review* 250-52 (2013)

Review of James P. Pfiffner, *Torture as Public Policy: Restoring U.S. Credibility on the World Stage* (2010), 10 *Perspectives on Politics* 467-68 (2012)

Torture, Security, and Liberal Theory, review of Jeremy Waldron, *Torture, Terror and Trade-Offs: Philosophy for the White House* (2010), 31 *Criminal Justice Ethics* 53-71 (2012)

Review of J. Jeremy Wisniewski, *Understanding Torture* (2010), 45 *Journal of Value Inquiry* 365-372 (2011)

Review of *Sovereignty, Emergency, Legality* (Austin Sarat ed. 2010), *Texas Law Review Dicta* (2011), <http://www.texasrev.com/sites/default/files/Parry.pdf>

Review of Kal Raustiala, *Does the Constitution Follow the Flag: The Evolution of Territoriality in American Law* (2009), *Texas Law Review Dicta* (2011),

http://www.texasrev.com/sites/default/files/images/Dicta_Parry_Raustiala.pdf

Do the "Torture Lawyers" Have Guilty Minds?: A Response to Jens Ohlin, 51 *Harvard International Law Journal Online* 24-34 (2010) (invited),

<http://www.harvardilj.org/articles/torturelawyersparry.pdf>

Rewriting the Roberts Court's Law of Treaties, 88 *Texas Law Review See Also* 65-77 (2010) (invited),

<http://www.texasrev.com/sites/default/files/seealso/vol88/pdf/88TexasLRevSeeAlso65.pdf>

Debate, *Light at the End of the Pipeline?: Choosing a Forum for Suspected Terrorists*, 156 *University of Pennsylvania Law Review PENumbra* 356-378 (2008),

<http://www.pennumbra.com/debates/terrorcourts.pdf> (with Amos N. Guiora)

OTHER WRITINGS

International Extradition and Foundational Cases of International Extradition, in *The Sage Encyclopedia of Criminal Psychology* (Robert D. Morgan ed., forthcoming 2017)

Contributor and Member of the Editorial Committee, *Benchbook on International Law* (Diane Amann ed., American Society of International Law, 2014 with updates) (co-editor of criminal justice materials and contributor to sections on extradition and *non-refoulement*), <http://www.asil.org/benchbook>

Introductory Note to Ahmad and Others v. The United Kingdom (Eur. Ct. H.R.), 52 International Legal Materials 440-442 (2013)

Rum Drinks v. Adoring Activists, Room for Debate, NYTimes.com (June 25, 2013), at <http://www.nytimes.com/roomfordebate/2013/06/25/where-should-a-fugitive-like-edward-snowden-hide/in-deciding-where-to-run-snowden-should-consider-rum-drinks-and-adoring-activists>

Law, Politics, and the U.S.-U.K. Extradition Relationship, Fair Observer^o (Nov. 29, 2012), <http://www.fairobserver.com/article/law-politics-and-us-uk-extradition-relationship>

Remembering Welsh White, 4 Ohio State Journal of Criminal Law 11-13 (2006)

Pain, Interrogation, and the Body: State Violence and the Law of Torture, in *Evil, Law & the State: Issues in State Power and Violence* 5-18 (İştar Gözaydın & Jody Madeira eds. 2006) (e-book of conference proceedings), available at <http://www.inter-disciplinary.net/publishing/id-press/ebooks/evil-law-and-the-state>

Set Them Free?, Newsday, 19 February 2006

A Persisting Challenge: Civil Rights Act Continues to Transform United States, Pitt Chronicle, 25 August 2004

Counterfeiting, in *Encyclopedia of Crime and Justice* (Joshua Dressler ed., 2d ed. 2002)

Should we Torture Terrorists?, Pittsburgh Post-Gazette, 18 November 2001 (with Welsh S. White)

Bush Pardons Clinton!, Pittsburgh Post-Gazette, 20 December 2000

The Misrule of Law, Pittsburgh Post-Gazette, 11 October 1998

The Supreme Court, 1989 Term – Leading Cases: Grady v. Corbin, 104 Harvard Law Review 149-158 (1990)

Recent Case, Loss of Enjoyment of Life Damages: McDougald v. Garber, 103 Harvard Law Review 811-817 (1990)

PRESENTATIONS

“Crime Across Borders: Globalization, Executive Power, and the Transformation of Criminal Justice,” Law & Society Association Annual Meeting, Boston, 31 May 2013

“Historicizing (and Abandoning?) the Grotian Tradition in International Law,” *Transatlantic Debates in International Legal Theory*, ASIL-ESIL International Legal Theory Workshop, Lauterpacht Centre for International Law, Cambridge University, 20 Sept. 2012

“Due Process, Borders, and the Qualities of Sovereignty,” American University, Washington College of Law, 23 March 2012

“Resistance to International Law in State Courts,” *International Law in State Government*, Willamette University College of Law, 8 March 2012

“Congress, the Supremacy Clause, and the Implementation of Treaties,” NYU Legal History Colloquium, 8 Nov. 2011

“Bodies, Borders, and the National Security Sovereign,” *The Constitution in 2020: The Future of Criminal Justice*, Florida State University College of Law, 8 Oct. 2010

“International Extradition, the Rule of Non-Inquiry, and the Problem of Sovereignty,” Georgetown University Law Center – Foreign Relations Law Colloquium, 2 Nov. 2009

“Congress, the Supremacy Clause, and the Implementation of Treaties,” Annual Workshop of the American Society of International Law’s Interest Group on International Law in Domestic Courts, Temple Law School, 9 Dec. 2008

“Change and Continuity in Criminal Procedure’s ‘War on Terror,’” *Police Power and Practices Post 9/11: Is the War on Terror Changing Domestic Criminal Law and Procedure?*, AALS Annual Meeting, New York, 4 Jan. 2008 (also presented at *Second Global Conference: Evil, Law & the State*, Salzburg, Austria 8 Mar. 2008)

Panelist and co-organizer, *The Political Uses of Giorgio Agamben’s Theory*, Cultural Studies Association Annual Meeting, Portland, Oregon, 21 Apr. 2007

“Torture Warrants and the Rule of Law,” *Conference on the Work and Scholarship of Alan Dershowitz*, Albany Law School, 5 Apr. 2007

“Ian McEwan and the Right to Be Tortured,” at *The New Exceptionalism: Law and Literature Since 9/11*, Cardozo Law School, 29 Oct. 2006

“Torture, Rights, and the Modern State,” *Panel on International Law and the Humanities*, American Branch of the International Law Society – International Law Weekend, New York City, 28 Oct. 2006

“Torture in the Modern West,” at *Cautions and Confessions: Miranda v. Arizona after 40 Years*, University of Colorado Law School, 20 Oct. 2006

“The Shape of Modern Torture,” Loyola Law School, Los Angeles, 3 Nov. 2005

“Torture, Terrorism, and Necessity,” at *Torture: When, If Ever, Is It Permissible?*, University of San Francisco School of Law, 8 Apr. 2005

“Interrogation, Power, and Fun: Understanding Modern Torture,” at *Torture: Contemporary Issues in Europe and the United States*, Transitional Justice Institute, University of Ulster, Belfast, 21 Feb. 2005

“‘Just for Fun’: Understanding Torture and Understanding Abu Ghraib,” at *Fighting Terrorists With Torture: Where to Draw the Line?*, Section on National Security Law, AALS Annual Meeting, San Francisco, 8 Jan. 2005 (also presented 3 Nov. 2004 at University of Washington School of Law and 23 Nov. 2004 at Lewis & Clark Law School)

“Progress and Justification in American Criminal Law,” at *Fourth Annual Legal Scholarship Symposium: The Scholarship of Lawrence M. Friedman*, University of Tulsa College of Law, 30 Sept. 2004

“Pain, Interrogation, and the Body: State Violence and the Law of Torture,” at *First Global Conference: Evil, Law & the State*, Mansfield College, Oxford, 14 July 2004 (keynote address)

“The New Jurisprudence of Torture: The Promise and Peril of Necessity Claims,” Law & Society Association Annual Meeting, Chicago, 27 May 2004

“Ordinary Courts, Extraordinary Crimes: Terrorism and the Criminal Process,” at *Working Group on Liberty and Security in an Age of Proliferation and Terror*, Ridgway Center for International Security Studies, University of Pittsburgh Graduate School of Public & International Affairs, 1 May 2004

“‘The Occasional Triumph of the Moral Sentiments over Legal Technicalities’: Law, Seduction, and the Sentimental Heroine” (with Andrea L. Hibbard), Association for the Study of Law, Culture, and the Humanities Annual Conference, Hartford, 12 Mar. 2004 (also presented 14 Apr. 2005 at Lewis & Clark Law School)

“Constitutional Interpretation, Coercive Interrogation, and the Law of Torture after *Chavez v. Martinez*,” Villanova Law School, 25 Feb. 2004

“*Chavez v. Martinez* and the Jurisprudence of Torture,” S.J. Quinney College of Law, University of Utah, 2 Oct. 2003 (Howard H. Rolapp Distinguished Visiting Scholar)

“Narrating New Law: The Sentimental Heroine and Nineteenth Century American Seduction Law” (with Andrea L. Hibbard), Law & Society Association Annual Meeting, Pittsburgh, 5 June 2003

“Terrorism and Collective Responsibility,” at *Third Global Conference: Perspectives on Evil and Human Wickedness*, Prague, 15 Mar. 2002

“Resisting Complicity: Judicial Responses to State Violence in the United States and Israel,” at *Second Global Conference: Perspectives on Evil and Human Wickedness*, Prague, 17 Mar. 2001

OTHER LEGAL EMPLOYMENT

Williams & Connolly, Washington, D.C. – Associate, 1991-92, 1993-97; Summer Associate, 1990. Civil and criminal matters included international extradition, federal habeas corpus/capital punishment, kidnapping, robbery, defamation and other First Amendment issues, separation of powers claims, corporate investigations, and significant commercial and employment litigation. Argued before the U.S. Courts of Appeals for the Seventh and D.C. Circuits.

Honorable James R. Browning, U.S. Court of Appeals for the Ninth Circuit, San Francisco, CA – Law Clerk, 1992-93

Sierra Club Legal Defense Fund, Washington, D.C. – Law Clerk, Summer 1989

U.S. Representative Thomas C. Sawyer, Washington, D.C. – Legislative Assistant, 1987-88

ACADEMIC SERVICE

Member or chair of numerous faculty committees at Lewis & Clark Law School, Lewis & Clark College, and the University of Pittsburgh School of Law. Organized and assisted with numerous symposia for the Lewis & Clark Law Review.

Project Leader and Member of the Steering Group, *Evil, Law & the State*, <http://www.inter-disciplinary.net/at-the-interface/evil/evil-law-the-state/>, 2004-2011

Executive Advisor, formerly member of the Advisory Board, Inter-Disciplinary.Net, <http://www.inter-disciplinary.net/>, 2005-2011, 2014-2016

Editorial Board, *At the Interface/Probing the Boundaries Series*, Brill Publishers, 2017-

Manuscript or proposal reviews for:

The American Academy in Berlin, Anthem Press, Aspen Publishers/Wolters Kluwer, Cambridge University Press, *Canadian Journal of Human Rights*, Edward Elgar Publishing, *Ethics & International Affairs*, *Griffith Law Review*, *Human Rights Review*, Johns Hopkins University Press, *Journal of Human Rights*, *Journal of Language and Politics*, *Law and History Review*, *Law Culture & Humanities*, *Melbourne Journal of International Law*, National Science Foundation, NYU Press, Oxford University Press, *Public Affairs Quarterly*, *Queensland University of Technology Law & Justice Journal*, SUNY Press, University of Chicago Press, and University of Michigan Press

BAR ADMISSIONS

District of Columbia; Oregon; Virginia (resigned 2002); U.S. Supreme Court; U.S. Courts of Appeals for the District of Columbia, Fourth, Seventh, and Ninth Circuits; U.S. District Courts for the District of Columbia (resigned 2003), Eastern District of Virginia, and District of Maryland (resigned 2005); U.S. Court of Federal Claims