

JULES LOBEL
Professor of Law
Bessie McKee Walthour Endowed Chair

Office Address:
University of Pittsburgh
School of Law
3900 Forbes Avenue
Pittsburgh, PA 15260
412/648-1375
E-mail: jll4@pitt.edu

Home Address:
6938 Rosewood Street
Pittsburgh, PA 15208
412/362-0267

EDUCATION

Law School

RUTGERS UNIVERSITY, Newark, N.J.
J.D., 1978

AWARDS:

SAUL TISCHLER MEMORIAL PRIZE: for achieving the highest average for the entire three years of law school.

A. HARRY MOORE PRIZE and WEST PUBLISHING COMPANY ANNUAL HORNBOOK STUDENT AWARD: for graduating first in the class.

ANTHONY ENGELBRECH PRIZE: for best grade in Evidence.

CORNELIUS W. WICKERSHAM JR. AWARD: for highest grade in Constitutional Law.

GRADUATED WITH HIGH HONORS

Undergraduate

NEW YORK UNIVERSITY, University Heights
B.A., 1972

AWARD: PHI BETA KAPPA

LEGAL EMPLOYMENT

UNIVERSITY OF PITTSBURGH SCHOOL OF LAW. 2009-Present: Bessie McKee Walthour Endowed Chair Professor of Law. 2001-2008: Distinguished Faculty Scholar. 1990-Present: Professor of Law. 1986-1989: Associate Professor of Law. 1983-1986: Assistant Professor of Law. I have taught Constitutional Law, Prisoners and the Law, International Law, Law and Foreign Policy, Human Rights, and Comparative Constitutional Law, Civil Rights Litigation, and Law and Social Change.

RABINOWITZ, BOUDIN, STANDARD, KRINSKY & LIEBERMAN, P.C. 1978-1983. Associate. The firm is a general litigation firm specializing in constitutional law and international law. I had major involvement in Supreme Court and appellate court cases involving international law and constitutional law.

AWARDS AND HONORS

First Roy C. Palmer Civil Liberties Prize (2007) for exemplary work of scholarship exploring the tension between civil liberties and national security (with co-author David Cole) for book *Less Safe, Less Free: Why America Is Losing the War on Terror* (New Press 2007).

Article, Preventive Paradigm and the Perils of Ad Hoc Balancing, selected by Oxford University Press as one of the Top Ten Global Justice Law Review Articles in 2007.

Allegheny County Bar Foundation – Career Achievement Award for Pro Bono Service (2006).

University of Pittsburgh Chancellor’s Distinguished Public Service Award (2002).

University of Pittsburgh School of Law Distinguished Faculty Scholar (2001).

University of Pittsburgh Chancellor’s Distinguished Teaching Award (1993).

University of Pittsburgh Student Bar Association Excellence in Teaching Award (1992).

PUBLICATIONS

Articles

The Supreme Court’s Ziglar v. Abassi Decision and the Demise of Accountability, 86 Fordham L. Rev. ____ (forthcoming Spring 2018).

Law and Neuroscience: The Case of Solitary Confinement, *Daedalus, Journal of the American Academy of Arts and Sciences* (forthcoming Spring 2018), co-authored with Professor Huda Akil.

The Liman Report and Alternatives to Prolonged Solitary Confinement, 125 Yale L.J. Forum 238 (2016).

Transformational Movements: The National Lawyers Guild and Radical Legal Service, 72 NLG Rev. 193 (2015).

Bridging the Gap Between Unmet Legal Needs and Oversupply of Lawyers: Creating Neighborhood Law Offices—The Philadelphia Experiment, 22 Va. J. Soc. Pol’y & L. 72 (2014).

The Rhetoric and Reality of Judicial Review of Counterterrorism Actions: The U.S. Experience, in *Critical Debates on Counter-Terrorism Judicial Review*, F.F. Davis & F. DeLondas Ed. (Cambridge Univ. Press, 2014).

The Contradiction Between Alien Tort Statute Jurisprudence and the Continued Immunity of U.S. Officials for Acts of Torture Abroad, 28 Md. J. Int’l L. 129 (2013).

Separation of Powers, Individual Rights and the Constitution Abroad, 98 Iowa L. Rev. (May 2013).

Victory Without Success? The Guantanamo Litigation, Permanent Preventive Detention and Resisting Injustice, 14 J.L. Soc’y 121 (2013).

Covert War and the Constitution, 5 J. National Security L. & Pol’y 393 (2012).

Fundamental Norms, International Law and the Extraterritorial Constitution, 36 Yale J. Int’l L. 307 (2011).

International Law and the Goldstone Report, in *THE GOLDSTONE REPORT: THE LANDMARK UN INVESTIGATION OF THE GAZA CONFLICT* (2010).

Preventive Detention and Preventive Warfare: U.S. National Security Policies Obama Should Abandon, AALS 3 J. National Security L. & Pol'y (2009).

Conflicts Between the Commander in Chief and Congress: Concurrent Power Over the Conduct of War, 69 Ohio St. L.J. 392 (2008).

Extraordinary Rendition and the Constitution: The Case of Maher Arar, 28 Rev. Litig. 479 (2008).

The (Iraq) War on Civil Liberties in LESSONS FROM IRAQ: AVOIDING THE NEXT WAR (M. Pemberton & Jack Hartung eds., Paradigm Publishers, 2008).

The Preventive Paradigm and the Perils of Ad Hoc Balancing, included in Top Ten Global Justice Law Review Articles 2007, Annual Review (Amos Guiora ed., Oxford University Press, 2008).

Prolonged Solitary Confinement and the Constitution, 11 U. Pa. J. Const. L. 1 (2008).

The Supreme Court and Enemy Combatants, 54 Wayne L. Rev. 1131 (2008).

The Commander in Chief and the Courts, 37 Pres. Studies Quarterly 49 (March 1, 2007).

Presidential Authority Forum, Seattle J. Soc. Just. 23, 27 (2007) Symposium Issue.

The Preventive Paradigm and the Perils of Ad Hoc Balancing, 91 Minn. L. Rev. 1407 (2007).

Preventive War and the Lessons of History, 68 U. Pitt. L. Rev. 307 (2006).

The War on Terrorism and Civil Liberties in AT WAR WITH CIVIL RIGHTS AND LIBERTIES (Thomas E. Baker & John F. Stack, Rowman and Littlefield, 2006).

Lobel and Loewenstein, Emote Control: The Substitution of Symbol for Substance in Foreign Policy and International Law, 80 Chi.-Kent L. Rev. 1045 (2005).

Courts as Forums for Protest, 52 UCLA L. Rev. 477 (2004).

Lobel and Ratner, International Law, The New Bush Doctrine and War With Iraq, 60 Guild Practitioner 205 (2003).

Preventive Detention: Prisoners, Suspected Terrorists and the Permanent Emergency, 25 Thomas Jefferson L. Rev. 389 (2003).

Civil Liberties and the War on Terrorism, 63 U. Pitt. L. Rev. 767 (2002).

Lobel et al., War Powers Revisited, 37 Stan. J. Int'l L. 189 (2001).

Benign Hegemony? Kosovo and Article 2(4) of the U.N. Charter, 1 U. Chi. Int'l L.J. 19 (2000).

Lobel and Ratner, Bypassing the Security Council: Ambiguous Authorizations to Use Force, Cease Fires and the Iraqi Inspection Regime, 93 Am. J. Int'l L. 124 (1999).

Use of Force to Respond to Terrorist Attacks Against Terrorism—The Bombing of Sudan and Afghanistan, 24 Yale Int'l L.J. 537 (1999).

Foreign Policy and the Courts, 1 U.C. Davis Int'l L.J. 171 (1998).

The Political Tilt of Separation of Powers, in THE POLITICS OF LAW (3d ed. D. Kairys ed., 1998).

Little Wars and the Constitution, 50 U. Miami L. Rev. 61 (1995).

Losers, Fools and Prophets: Justice as Struggle, 80 Cornell L. Rev. 1331 (1995).

Justice Douglas The Internationalist: The Connection Between Domestic Liberty and Foreign Policy in HE SHALL NOT PASS THIS WAY AGAIN: THE LEGACY OF JUSTICE WILLIAM D. DOUGLAS (S. Wasby ed. 1991).

The Meaning of Democracy, Representative and Participatory Democracy in the New Nicaragua Constitution in THE NICARAGUA CONSTITUTION OF 1987 (K. Mijeski ed. 1991).

Foreign Affairs and the Constitution: The Transformation of the Original Understanding in THE POLITICS OF LAW, Revised Edition (D. Kairys ed. 1990).

Panel Discussion: Options For a Law Abiding U.S. Policy in Central America, 20 B.C. Third World L.J. 230 (1990).

The Relationship Between the Process and Substance of the National Security Constitution, 15 Yale J. Int'l L. 360 (1990).

The Application of the Constitution to U.S. Actions Abroad, 83 Am. J. Int'l L. 871 (1989).

Emergency Powers and the Constitution: The Decline of the Liberal State, 98 Yale L.J. 1385 (1989).

Trajano v. Marcos: The Alien Tort Statute and Its Application to Violations of Customary International Human Rights Law (co-authored Cole, Koh & Lobel), 12 Hastings Int'l & Comp. L. Rev. 1 (1989).

The Meaning of Democracy: Representative and Participatory Democracy in the New Nicaraguan Constitution, 49 U. Pitt. L. Rev. 824 (1988).

The New Nicaraguan Constitution: Uniting Participatory and Representative Democracy, 39 Monthly Review 1 (1987).

The Constitution and American Radicalism, Social Policy, Summer 1987, at 20.

United States, Nicaragua and the World Court: Proceedings of Wisconsin Bar Association Convention of January 1987.

Covert War and Congressional Authority: The Forgotten Power and the Hidden War, 134 U. Pa. L. Rev. 1035 (1986).

The Limits of Constitutional Power: Foreign Policy and International Law, 71 Va. L. Rev. 1071 (1985).

Lobel and Wolvovitz, The Reagan Administration's Attack on Civil Rights, 9 Black L.J. 252 (1985).

The United States, Nicaragua and the World Court, published by the Emergency Civil Liberties Committee and reprinted in 131 Cong. Rec., H4139 (Daily ed. June 12, 1985).

Lobel and Ratner, The Legality of United States Actions in Central America, 12 Human Rights 23 (1984).

The Rise and Decline of the Neutrality Act: Sovereignty and Congressional War Powers in United States Foreign Policy, 24 Harv. Int'l L.J. 1 (1983).

Books

Lobel and Smith (eds.), Solitary Confinement: Effects, Practices and Pathways Towards Reform (forthcoming 2019) (Oxford University Press).

Cole and Lobel, Less Safe, Less Free: Why America is Losing the War Against Terror (New Press, N.Y. 2007).

Lobel, Success Without Victory: Lost Legal Battles and the Long Road to Justice in America (NYU Press 2003).

Lobel and Salzman (eds.), Civil Rights Handbook (Clark Boardman Inc. 1995).

Lobel and Wolvovitz (eds.), Civil Rights Handbook (Clark Boardman Inc. 1990).

Lobel (ed.), A Less Than Perfect Union: Alternative Perspectives on the Constitution (Monthly Review Press 1988).

Congressional Testimony

Testified on War Powers for the 21st Century: The Constitutional Perspective Subcommittee on International Organizations, Human Rights and Oversight Committee on Foreign Affairs U.S. House of Representatives (April 10, 2008).

Testified before the House Judiciary Committee, Subcommittee on Criminal Justice regarding H.R. 3665 addressing covert action and the rule of Law (May 1988).

Testified Before the House Committee on the Judiciary, Subcommittee on Civil and Constitutional Rights, regarding the Enforcement Efforts of the Civil Rights Division of the Department of Justice (April 3, 1985).

International Experience

Teaching Abroad

2012 - Havana, Cuba – Taught Comparative Law Seminar for Cuban Judges and Lawyers.

2010 – Barcelona, Spain – Taught International Litigation Course in Summer Program.

2003 – Florence, Italy – Taught Comparative Constitutional Civil Liberties for University of San Diego summer program.

2001 – Belgrade, Serbia – Taught Constitutional Law course at University of Belgrade.

2000 – Oxford, England – Taught Comparative Constitutional Civil Liberties.

1990 – University of Augsburg, Germany. Taught a seminar on the contemporary relevance of Nuremberg Trials with Professor Wilfred Bottke.

Constitutional Consultations

1991 – Consultant, United States Agency for International Development. Spent almost two weeks in Burundi consulting with officials and giving lectures about constitutional issues in conjunction with the development of a new Constitution.

1986 Speech to the Nicaraguan National Assembly on constitutional law and advised that body on the drafting of their new Constitution.

In addition, I have made presentations on constitutional law issues in England, Canada, Cuba and Nicaragua.

Human Rights Delegations

2009 – Sole American participant in a delegation of prominent European human rights defenders organized by the International Federation of Human Rights, the International Commission of Jurists and the Euro-Mediterranean Human Rights Network to investigate and address concerns surrounding the Israeli attack on the Gaza Strip in the winter of 2008-09.

1987 – Participated in human rights delegation investigating conditions in Israeli occupied territories of the West Bank and Gaza Strip.

1983, 1984 – Human rights investigations in Nicaragua.

Significant Public Interest Litigation

I have either argued or been involved in a number of major public interest cases while teaching law. A partial list of major cases includes:

Johnson v. Wetzel, 209 F. Supp. 3d 766 (W.D. Pa. 2016) (co-counsel in first reported District Court decision holding that prolonged solitary confinement constituted cruel and unusual punishment prohibited by the Eighth Amendment).

Austin v. Wilkinson, 545 U.S. 209 (2005) (argued due process challenge to placement of prisoners in prolonged solitary confinement at supermax prison before United States Supreme Court).

Ashker v. Brown (N.D. Cal. 2011) (lead counsel). Class action case challenging prolonged solitary confinement of California prisoners. Resulted in 2015 settlement in which several thousand prisoners who had spent years or decades in solitary confinement were released to the general population.

Holder v. Humanitarian Law Project, 130 S. Ct. 2705 (2010) (co-counsel in case before Court challenging sections of the material aid statute as violative of First Amendment)

ACORN v. United States, 618 F.3d 125 (2d Cir. 2010) (lead counsel in case challenging DEFUND ACORN statutes as unconstitutional Bills of Attainder).

Rumsfeld v. Padilla, 542 U.S. 426 (2004) (principal author of amicus briefs submitted by Center for Constitutional Rights and Constitutional Law Professors in Court of Appeals and Supreme Court challenging the government's power to detain American citizens as enemy combatants).

Rasul v. Bush, 124 S. Ct. 2686 (2004) (worked on petitioner's brief in case involving the jurisdiction of Federal Courts to hear challenges by prisoners detained by U.S. government at Guantanamo Bay).

Regan v. Wald, 468 U.S. 222 (1984) (challenge to U.S. government's prohibition of travel to Cuba).

Arar v. Ashcroft, 532 F.3d 157 (2d Cir. 2008), rehearing en banc granted, August 12, 2008. I am co-counsel for Mahar Arar, a Canadian citizen of Syrian descent who was detained by U.S. officials at Kennedy Airport and subsequently subjected to extraordinary rendition to Syria where he was arbitrarily detained for one year and tortured. He is suing the U.S. officials responsible for his rendition to Syria.

Campbell v. Clinton, 203 F.3d 19 (D.C. Cir. 2000), 52 F. Supp. 2d 34 (D.D.C. 1999).

Curry v. U.S. Forest Service, 988 F. Supp. 541 (W.D. Pa. 1997).

Kadic v. Karadzic, 70 F.3d 232 (2d Cir. 1995), 866 F. Supp. 734 (S.D.N.Y. 1994).

Schumacher v. Nix, 965 F.2d 1262 (3d Cir. 1992).

Linder v. Portocarrero, 963 F.2d 332 (11th Cir. 1992), 747 F. Supp. 1452 (S.D. Fla. 1990).

Dellums v. Bush, 752 F. Supp. 1141 (D.D.C. 1990) (my oral argument was reprinted in FOREIGN RELATIONS & NATIONAL SECURITY LAW (Tom Franck & Michael Glennon eds., 2d ed. 1993), at p. 667).

Committee of U.S. Citizens Living in Nicaragua v. Reagan, 859 F.2d 929 (D.C. Cir. 1988).

Beacon Products v. Reagan, 814 F.2d 1 (1st Cir. 1987), 633 F. Supp. 1191 (D. Mass. 1986).

Dellums v. Smith, 577 F. Supp. 1449 (N.D. Cal. 1984), overruled on other grounds, 797 F.2d 817 (9th Cir. 1986).

PROFESSIONAL AND COMMUNITY AFFILIATIONS

President, Center for Constitutional Rights, New York, 2011-2016.

Faculty Member, Center for Latin American Studies, University of Pittsburgh.

Member, National Lawyers Guild.