

SCOTT M. SULLIVAN

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BIOGRAPHY

Scott Sullivan teaches and writes on public international law, U.S. foreign relations and international security. Professor Sullivan's scholarship emphasizes institutionalist values in legal regime design theory and practice. His forthcoming article, *Interpreting Force Authorization*, challenges the continuing legal and social validity of military force authorizations over time. Other recent work rethinks the breadth and depth of internal federal authority on issues that intersect with foreign relations interests and the social and political underpinnings of the regulatory paradigm governing national security privatization.

Professor Sullivan is regularly involved in high-impact litigation that draws on his expertise in international security and human rights. Sullivan authored the arguments for petitioners challenging their detention under international law in the Supreme Court case *Boumediene v. Bush*. His scholarship was cited in the landmark habeas corpus case *Hamdan v. Rumsfeld*, and he frequently serves as an amicus to the U.S. Supreme Court and U.S. Circuit Courts of Appeals in international law and security cases. The European Community's 7th Framework Programme has funded his work on U.S. and comparative military contracting policy.

Sullivan is the Harvey A. Peltier, Sr. Professor of Law at Louisiana State University Law Center, and has served as Visiting Assistant Professor at University of Texas School of Law where he co-founded the National Security & Human Rights Program and Clinic. Prior to academia, Professor Sullivan practiced law in New York and Chicago at Latham & Watkins LLP and Allen & Overy LLP where he advised businesses on international and U.S. sanctions programs, Foreign Corrupt Practices Act compliance, and other regulatory regimes incorporating international or foreign law. International media including the *New York Times* and *NPR* have featured his work representing individuals detained at the U.S. Naval Station at Guantanamo Bay and leading investigations into medical ethics violations under post-9/11 counterterrorism detention policy.

Professor Sullivan holds a J.D. from University of Chicago School of Law and was awarded a J. William Fulbright Fellowship to the European University Institute where he received a LL.M. in Comparative, European and International Law.

EMPLOYMENT & ACADEMIC AFFILIATIONS

Paul M. Hebert Law Center - Louisiana State University, Baton Rouge, LA

Harvey A. Peltier, Sr. Professor of Law, 2015-present

Associate Professor of Law, 2012 – 2015

Assistant Professor of Law, 2009 – 2012

Associate Faculty of Political Science, LSU Graduate School

LSU Law Center Executive Committee, Member

Courses: Public International Law, U.S. Foreign Relations Law, International Human Rights, International Law in U.S. Courts, Issues in Transnational Technology, Administration of Criminal Justice I

Robert Strauss Center for International Security & Law, University of Texas, Austin, TX
Associate, *2011 – 2013*
Fellow, *2007 – 2011*

PRIV-WAR Research Collaborative, European University Institute, Fiesole, Italy
Global research consortium funded under European Community's 7th Framework Programme. Lead researcher as to U.S. law, practice and policy in the use of private security contractors. *2007 – 2011*

University of Texas School of Law, Austin, TX
Visiting Assistant Professor, *2006 – 2009*
Co-Founder and Co-Director, National Security Program & Clinic
Faculty Affiliate, Rapoport Center for Human Rights, UT Law
Courses: Rule of Law in Wartime, International Law in U.S. Courts, Professional Responsibility

Allen & Overy LLP, Associate, New York, NY, *2004 – 2006*
UN, EU and U.S. sanctions compliance, Foreign Corrupt Practices Act (FCPA) compliance programs and internal investigations, habeas corpus litigation.

Latham & Watkins LLP, Associate, Chicago, IL and New York, NY, *2002 – 2004*
Securities and general commercial litigation

EDUCATION

European University Institute, San Domenico di Fiesole, Italy
J. William Fulbright Fellowship, U.S. Department of State, *2001 – 2002*
LL.M, Comparative, European and International Law, *2002*

University of Chicago School of Law, Chicago, IL
Juris Doctorate, *2001*
Thomas M. Mulroy Prize for Excellence in Appellate Advocacy

University of Kansas, Lawrence, KS
Bachelor of Arts, History (focus on contemporary Western history), *1998*
Student Body President, 1997-98
Academic Merit Scholarship

PUBLICATIONS AND WRITING

Works In Progress

Recasting Aid and Comfort to the Enemy

The unjust imprisonment of the politically disfavored has been a driving force in civil and political rights doctrine and dialogue. As a result, the use and attractiveness of classic vehicles for such detention, most notably treason, have fallen as procedural and substantive protections have risen. The contemporary struggle against terrorism, however, has systematically and surreptitiously eased detention by recasting certain association, ideologies, and politics as ordinary crime. This piece seeks to introduce,

justify and apply the conceptual framework reinforcing prohibitions on political detention into the national and international security paradigm currently being utilized to criminalize politically based crime.

Articles and Book Chapters

Interpreting Force Authorization, 43 FLORIDA STATE UNIVERSITY LAW REVIEW __ (forthcoming)

This Article presents a theory of authorizations for the use of military force that automatically constricts over time. The temporal narrowing of legally justified use of force, while contrary to existing doctrine, necessarily flows from the recognition of the unique conditions of force authorizations present at their birth. Legislative force authorizations are, by definition, intended to reverse the facts prompting their passage and produced in a politically instable and information deficient atmosphere. As explained, the proper judicial and scholarly understanding of force authorizations recognizes their peculiar role and lifespan as one that explodes into the legal landscape with supernova intensity and potency that is just as surely followed by an accelerating decay that ultimately diminishes to complete inoperability.

The Future of the Foreign Commerce Clause, 83 FORDHAM LAW REVIEW 4 (2015)

The Foreign Commerce Clause, a cornerstone of federal power has been lost, subsumed by its interstate cousin, and overshadowed in foreign relations by the treaty power. Consistent with its original purpose and the implied, but unrefined view asserted by the judiciary, this Article articulates a broader and deeper Foreign Commerce power than is popularly understood. It reframes doctrinal considerations for a reinvigorated Foreign Commerce Clause--both as an independent power and in alliance with other coordinate foreign affairs powers--and demonstrates that increasing global complexity and interdependence makes broad and deep federal authority under this power crucial to effective and efficient action in matters of national concern.

Networking Customary Law, 61 KANSAS LAW REVIEW 659 (2013)

Networking Customary Law offers a revision of customary law utilizing new understandings of networked technology. Instead of scholarly or institutional edict, this proposal rests on recent developments in communication theory and the epistemic advantages offered through networked communications. The result is a truer, more dynamic, and thus more effective body of customary law that proves capable of responding to the fundamental challenges facing the current legal regime.

"United States: Law and Policy Governing Private Military Contractors after 9/11," in MULTILEVEL REGULATION OF MILITARY AND SECURITY CONTRACTORS: THE INTERPLAY BETWEEN INTERNATIONAL, EUROPEAN AND DOMESTIC NORMS, (C. Bakker and M. Sossai, ed.), (Hart Publishing, 2012) (with Kristine Huskey) (2012)

A comprehensive examination of the use of private military and security contractor companies and their personnel by the U.S. since 9/11 and the applicable regimes. Includes descriptive account of the incorporation of contractors into the larger coalition military presence and provides a quantitative and qualitative analysis of contractor use. After setting out the depth of use, the piece unveils the universe of mechanisms that regulate, govern and attempt to hold contractors accountable, as well as the repeated failures within that regime.

Private Force / Public Goods, 42 CONNECTICUT LAW REVIEW 853 (2010)

This Article rethinks the benefits and dangers of private force in armed conflict. Contrary to academic and mainstream conventional wisdom, this Article concludes that national security privatization has failed in practice but remains viable in theory with the potential to accomplish normative and democratic commitments of international and domestic law that would be impossible to replicate through other policy avenues.

Closing the Loop on Guantanamo, 19 TULANE JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW 247 (2010) (with Josh Colangelo-Bryan)

International Law and Domestic Legitimacy, Remarks prepared for Lincoln's Constitutionalism in Time of War: Lessons for the Current War on Terror?, 12 CHAPMAN LAW REVIEW 489 (2009)

Rethinking Treaty Interpretation, 86 TEXAS LAW REVIEW 777 (2008)

Rational Interpretation in Irrational Times: The Third Geneva Convention and the "War on Terror," 44 HARVARD INTERNATIONAL LAW JOURNAL 301 (2003) (with Neil MacDonald)

Changing the Premise of International Legal Remedies: The Unfounded Adoption of Assurances and Guarantees of Non-Repetition, 7 UCLA JOURNAL OF INTERNATIONAL LAW & FOREIGN AFFAIRS 265 (2003)

Selected Briefs

United States Supreme Court

Boumediene v. Bush, Co-author, El Banna Petitioners Merits and Reply Briefs, U.S. Supreme Court, September-October 2007.

Al Marri v. Spagnone, Signatory, Brief of Amici Curiae Experts in the Law of War, U.S. Supreme Court, January 2009.

United States Circuit Courts of Appeal

Shimari, et al. v. CACI International Inc., et al., Signatory, Brief of Amici Curiae International Human Rights Organizations and Experts in Support of Plaintiffs- Appellees, U.S. Court of Appeals for the Fourth Circuit, December 2011.

Saleh v. Titan Corporation, Signatory, Brief of Amici Curiae Experts in International Humanitarian Law, U.S. Court of Appeals for the District of Columbia Circuit, October 2008.

ADMISSIONS & QUALIFICATIONS

U.S. Department of Defense, "Secret" Level Security Clearance

Illinois State Bar (inactive)

New York State Bar (active)