Margaret Hu

Professor of Law

Degrees: J.D., Duke Law School; B.A., University of Kansas
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Teaching Interests

Constitutional Law I; National Security; Cybercrime Seminar; Privacy Law; Election Security Seminar

Representative Professional Activities and Achievements

Margaret Hu is the Taylor Reveley Research Professor and Professor of Law, and Director of the Digital Democracy Lab, at William & Mary (W&M) Law School. She is a Faculty Affiliate with the Global Research Institute and Data Science at W&M, and a Research Affiliate with Pennsylvania State University's Institute for Computational and Data Sciences. Her research focuses on the intersection of civil rights, national security, cybersurveillance, and AI. She is author of several notable works, including *Biometric Cyberintelligence and the Posse*

Comitatus Act, *Algorithmic Jim Crow*, and *Biometrics and an AI Bill of Rights.* She is editor of *Pandemic Surveillance: Privacy, Security, and Ethics* (Elgar Publishing 2022). She previously served as Special Policy Counsel in the Civil Rights Division of the U.S. Department of Justice. She holds degrees from the University of Kansas and Duke Law School.

Scholarly Publications

Books

- PANDEMIC SURVEILLANCE: PRIVACY, SECURITY, AND DATA ETHICS (Edward Elgar Pub., forthcoming 2023) (edited volume).

- THE BIG DATA CONSTITUTION: CONSTITUTIONAL REFORM IN THE CYBERSURVEILLANCE STATE (Cambridge U. Press, forthcoming 2023).

Articles and Book Chapters

- *Critical Data Theory,* 65 WM & MARY L. REV. 839 (2024) (2023 Symposium: "Mass Incarceration Nation").

- *National Security & Federalizing Data Privacy Infrastructure for AI Governance,* 92 FORDHAM L. REV. 1829 (2024) (2023 Symposium: "The New AI").

- *Biometrics and an AI Bill of Rights,* 60 DUQ L. REV. 283 (2022). Online.

- *Decitizenizing Asian Pacific American Women,* 93 U. COLO. L. REV. 325 (2022) (with Shoba S. Wadhia). Online.

- *Cambridge Analytica's Black Box,* 2020 1 (2020) (peer-reviewed interdisciplinary journal).

- *Digital Internment,* 98 TEX. L. REV. ONLINE 174 (2020).

- *Digitized Election Administration: Promise and Peril, in* AMERICA VOTES! CHALLENGES TO MODERN ELECTION LAW AND VOTING RIGHTS (ABA 2019) (with Rebecca Green).

- *The Ironic Privacy Act,* 96 WASH. U. L. REV. 1267 (2019) (2019 Symposium: "Privacy and Trust in the Digital Age").

- *Bulk Biometric Metadata Collection,* 96 N.C. L. REV. 1425 (2018) (2018 Symposium:

"Badge Cams as Data & Deterrent: Law Enforcement, the Public & the Press in the Age of Digital Video").

- *Cybersurveillance Intrusions and an Evolving Katz Privacy Test,* 55 AM. CRIM. L. REV. 127 (2018) (Georgetown Law Center Symposium, "Katz @ 50").

- *Orwell's 1984 and a Fourth Amendment Cybersurveillance Nonintrusion Test,* 92 WASH. L. REV. 1819 (2018).

- *Algorithmic Jim Crow,* 86 FORDHAM L. REV. 633 (2017).

- *Biometric Cyberintelligence and the Posse Comitatus Act,* 66 EMORY L. REV. 697 (2017) (2016 Thrower Symposium: "Redefined National Security Threats: Tensions and Legal Implications").

- *Biometric Surveillance and Big Data Governance, in* CAMBRIDGE HANDBOOK ON SURVEILLANCE LAW (David Gray and Stephen Henderson eds., Cambridge University Press 2017).

- *Crimmigration-Counterterrorism,* 2017 WIS. L. REV. 955 (2017).

- *Horizontal Cybersurveillance through Sentiment Analysis,* 26 WM & MARY BILL RTS. J. 361 (2017) (Symposium: "Big Data, National Security, and the Fourth Amendment").

- *Metadeath: How Does Metadata Surveillance Inform Lethal Consequences?, in* PRIVACY AND POWER: A TRANSATLANTIC DIALOGUE IN THE SHADOW OF THE NSA-AFFAIR (Russell Miller ed., Cambridge University Press 2017).

- *The Regulation of Commercial Profiling-A Comparative Analysis,* 2 EUR. DATE PROT. L. REV. 535 (2016) (with Indra Spiecker et al.).

- *Big Data Blacklisting,* 67 FLA. L. REV. 1735 (2015).

- *Small Data Surveillance v. Big Data Cybersurveillance,* 42 PEPP. L. REV. 773 (2015) (2014 Symposium: "The Future of National Security Law").

- *Taxonomy of the Snowden Disclosures,* 72 WASH. & LEE L. REV. 1679 (2015) (2015 Lara D. Gass Symposium: "Cybersurveillance in the Post-Snowden Age").

- *Biometric ID Cybersurveillance,* 88 IND. L.J. 1475 (2013).

- *Reverse-Commandeering,* 46 U.C. DAVIS L. REV. 535 (2012).

Other

- *Biometric Data and Midnight Regulations,* THE REGULATORY REVIEW, Mar. 11, 2021 (with Dan Berger, Sara Katsanis & Jennifer Wagner) (op-ed). Online.

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