Committee on Energy and Commerce U.S. House of Representatives Witness Disclosure Requirement - "Truth in Testimony" Required by House Rule XI, Clause 2(g)(5)

1.	1. Your Name:				
	Jennifer Daskal				
2.	Your Title:				
	Associate Professor, American University Washington College of Law				
3.	The Entity(ies) You are Representing:				
4.	Are you testifying on behalf of the Fed	eral, or a State or local	Yes	No	
	government entity?		Х		
5.	Please list any Federal grants or contracts, or contracts or payments originating with a foreign government, that you or the entity(ies) you represent have received on or after January 1, 2015. Only grants, contracts, or payments related to the subject matter of the hearing must be listed.				
	n/a				
6.	Please attach your curriculum vitae to your completed disclosure form.				
Sig	gnature:_	Date:10/1	10/17		

JENNIFER C. DASKAL

• American University Washington College of Law, 4300 Nebraska Ave., NW, Washington, DC 20016 •

EDUCATION

HARVARD LAW SCHOOL, Cambridge, MA, J.D., 2001, magna cum laude Editorial Board, Harvard Civil Rights-Civil Liberties Law Review

UNIVERSITY OF CAMBRIDGE, Cambridge, UK, B.A., 1996; M.A., 2001 (Economics) Marshall Scholar

BROWN UNIVERSITY, Providence, RI, B.A., 1994 (History), magna cum laude Phi Beta Kappa. Presidential Scholar

EMPLOYMENT/AFFILIATIONS

AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW, Washington, DC

Associate Professor of Law (Sept. 2016 - present)

Assistant Professor of Law (Aug. 2013 - Aug. 2016)

- Teach and write in areas of criminal law, criminal procedure, constitutional law and national security law.
- Testified before the House and Senate Committees on Judiciary on cross-border flows and conflict of laws.
- Executive Editor of and regular contributor to the *Just Security* blog.

OPEN SOCIETY INSTITUTE, Washington, DC

Open Society Institute Fellow (Sept. 2016 - Sept. 2017)

• Researched, analyzed, and promoted solutions to the issue of cross-border access to data by law enforcement and related challenges to security, privacy, and sovereignty. Convened experts from across the relevant sectors to build consensus as to a new approach.

CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES, Washington, DC

Senior Associate, Technology Policy Program (Sep. 2017 - present)

• Authoring report on challenges facing law enforcement on accessing digital evidence

HARVARD KENNEDY SCHOOL BELFER CENTER FOR INTERNATIONAL AFFAIRS, Cambridge MA Affiliate, Cyber Security Project (Jan. 2017 – present)

NEW AMERICA FOUNDATION/ARIZONA STATE UNIVERSITY

Future Law of War Fellow (Sept. 2016 - present)

• Contribute to cutting-edge efforts to address challenges posed by the changing nature of warfare.

GEORGETOWN LAW CENTER, Washington, DC

Fellow and Adjunct Professor, Center on National Security and the Law (2011 - 2013)

• Designed and taught a seminar on law of war detention, military trials, and lethal targeting since 9/11.

DEPARTMENT OF JUSTICE, NATIONAL SECURITY DIVISION, Washington, DC

Counsel to the Assistant Attorney General (2009 - 2011)

- Served on the Attorney General and Secretary of Defense-led Special Task Force on Detainee Disposition created by Executive Order on Jan. 22, 2009.
- Advised top Department of Justice officials, including the Attorney General, on matters relating to
 detention and interrogation policy, the intersection of immigration and counterterrorism laws, lawful use

HUMAN RIGHTS WATCH, Washington, DC

Senior Counterterrorism Counsel (2007 - 2009)

Advocacy Director, U.S. Program (2005 - 2007)

• Authored several Human Rights Watch publications, including a report credited with prompting the release of several Kenyans being detained in Ethiopia. Published several op-eds, including in the Washington Post, International Herald Tribune, LA Times and Salon.com. Appeared as a commentator on national and int'l television, including CNN, BBC, NBC, C-Span and Fox News.

PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA, Washington, DC Staff Attorney, Appellate & Trial Divisions (2002 - 2005)

 Represented indigent clients from intake through trial. Briefed and argued cases before three-judge appeals panels.

THE HONORABLE JED S. RAKOFF, S.D.N.Y., New York, NY Law Clerk (2001 - 2002)

PAUL, WEISS, RIFKIND, WHARTON & GARRISON, New York, NY Summer Associate (Summers 2000 & 2001) (offer extended)

LEGAL PUBLICATIONS

Data's Differences, _ VAND. L. REV.__ (forthcoming 2017-18)

Whose Law Governs in a Borderless World?, National Constitutional Center White Paper Series: A Twenty-First Century Framework for Digital Privacy (May 2017), https://constitutioncenter.org/digital-privacy/whose-law-governs-in-a-borderless-world

Law Enforcement Access to Data Across Borders: The Evolving Security and Rights Issues, 8 J. NAT'L SEC. L. & POL'Y 473 (2016)

• Recipient of the 2017 Privacy Papers for Policymakers Award.

Transnational Seizures: The Constitution and Criminal Procedure Abroad, in CONSTITUTIONALISM ACROSS BORDERS IN THE STRUGGLE AGAINST TERRORISM (Federico Fabbrini & Vicki Jackson eds., Elgar Publishing 2016) (book chapter)

International Spillover Effects: The US Encryption Debate, Aegis Paper Series No. 161 (2016), http://www.hoover.org/sites/default/files/research/docs/daskal_webreadypdf.pdf

The Un-Territoriality of Data, 125 YALE L. J. 326 (2015)

- Recipient of the 2015 Privacy Law Scholars Conference Young Scholars Award.
- Recipient of the 2015 Southeast Association of Law Schools Call for Papers Award.

Pre-Crime Restraints: The Explosion of Targeted, Non-Custodial Prevention, 99 CORNELL L. REV. 327 (2014)

Recipient of the 2016 Elizabeth Payne Cubberly Scholar Award.

After the AUMF, 5 HARV. NAT'L SEC. L. J. 115 (2014)(co-authored with Stephen I. Vladeck)

U.S. v. Hamdan: A Death Knell for Military Commissions, 11 J. INT'L CRIM. L. 875 (2013)

The Geography of the Battlefield: A Framework for Detention and Targeting Outside the "Hot" Conflict Zone, 161 U. PENN L. REV. 1165 (2013)

Extraterritorial Issues: Investigation and Prosecution of National Security Cases, in Paul Rosenzweig, Timothy J. McNulty, and Ellen Shearer, eds., NATIONAL SECURITY LAW IN THE NEWS: A GUIDE FOR JOURNALISTS,

SELECT NON-LEGAL PUBLICATIONS

Testimony, U.S. Senate Committee on the Judiciary, Subcommittee on Crime and Terrorism, Law Enforcement Access to Data Stored Across Borders: Facilitating Cooperation and Protecting Rights, May 24, 2017, https://www.judiciary.senate.gov/imo/media/doc/05-24-17%20Daskal%20Testimony.pdf

A Microsoft Ireland Fix: The Time to Act is Now!, JUST SECURITY, Apr. 14, 2017, https://www.justsecurity.org/39959/microsoft-ireland-fix-time-act-now/

To Senate Committee on Homeland Security: Five Questions for Secretary Kelly About Passwords Demands at the Border, JUST SECURITY, Apr. 4, 2017, https://www.justsecurity.org/39545/senate-committee-homeland-security-5-questions-secretary-kelly-re-demands-passwords-border/ (with Tom Malinowski)

Congress Needs to Fix Our Outdated Email Privacy Law, SLATE, Jan. 26, 2017, http://www.slate.com/articles/technology/future_tense/2017/01/the_confusing_court_case_over_microsoft_data_on_servers_in_ireland.html

Draft EO on Detention and Interrogation; Update and Additional Concerns, JUST SECURITY, Jan. 26, 2017, https://www.justsecurity.org/36816/draft-eo-detention-interrogation-update-remaining-concerns/.

Five Quick Observations: The CIA's New Guidelines for Handling Americans' Data, JUST SECURITY, Jan. 19, 2017, https://www.justsecurity.org/36533/quick-observations-cias-guidelines-handling-americans-data/

Rule 41 Has Been Updated: What's Needed Next, JUST SECURITY, Dec. 5, 2016, https://www.justsecurity.org/35136/rule-41-updated-needed/

The Dangerous Implications of the Microsoft Ireland Case, JUST SECURITY, Aug. 14, 2016, https://www.justsecurity.org/33577/dangerous-implications-microsoft-ireland-case/

Congress Should Embrace DOJ's Cross-Border Data Fix, JUST SECURITY, Aug. 1, 2016 (with Andrew K. Woods), https://www.justsecurity.org/32213/congress-embrace-dojs-cross-border-data-fix/

Three Key Takeaways: The Second Circuit Ruling in the Microsoft Warrant Case, JUST SECURITY, July 14, 2016, https://www.justsecurity.org/32041/key-takeaways-2d-circuit-ruling-microsoft-warrant-case/.

Beware of the Emergency Exception Loophole in the Email Privacy Act, June 7, 2016, https://www.justsecurity.org/author/daskaljennifer/

Multiple other *Just Security* blog posts available here: http://justsecurity.org/author/daskaljennifer/

Obama's Last Chance to End the 'Forever War,' N.Y. TIMES, Apr. 27, 2016, http://www.nytimes.com/2016/04/27/opinion/obamas-last-chance-to-end-the-forever-war.html?_r=0

Testimony, House Judiciary Committee, International Conflicts of Law Concerning Cross-Border Data Flow and Law Enforcement Requests, Feb. 25, 2016, https://judiciary.house.gov/wp-content/uploads/2016/02/jennifer-daskal-testimony-updated.pdf

The Substance of The Second Circuit: Four Key Takeaways, ACS BLOG, May 8, 2015, http://www.acslaw.org/acsblog/the-substance-of-the-second-circuit-on-215-four-key-takeaways

SELECT PRESENTATIONS

Panelist, "Criminal Prosecutions as Proxies for National Security and Counterterrorism Policy" Courts at War Conference, University of Texas Law School Austin, TX, Sep. 14, 2017

Presentation, "Borders and Bits" Information Security Project, Yale Law School New Haven, CT, Aug. 29, 2017

Panelist, "Data Warrants From Across the Pond: Fighting Crime While Preserving Privacy" Congressional Internet Caucus Washington, DC, July 20, 2017

Panelist, "Data and Territory: A Round Peg in a Square Hole" Cyber Week, Tel Aviv University Tel Aviv, Israel, June 28, 2017

Panelist, "A Twenty-First Framework for Digital Privacy" National Constitutional Center Philadelphia, Pennsylvania, May 11, 2017

Panelist, "A Twenty-First Framework for Digital Privacy" National Constitutional Center Philadelphia, Pennsylvania, May 11, 2017

Panelist, "The Microsoft Case -- Challenges for European Law Enforcement in the Transatlantic Context" University of Luxembourg
Luxembourg City, Luxembourg, April 26, 2017

Panelist, "Amending the EIO Directive" Live For/Justice Programme of the EU Project Just Belgium, Brussels, April 24, 2017

Panelist, "Missile Strikes Against Syria" American Society of International Law Annual Conference Washington, D.C. April 13, 2017

Panelist, ""How Far Should the Long Arm of the Law Reach? Lessons from the Microsoft Ireland Case" American University Law Review Symposium Washington, DC, April 7, 2017

Panelist, "Tech, Law Enforcement, and Overseas Data" Russell Senate Office Building Washington, DC, April 4, 2017

Panelist, "War in Transition" American Society of International Law Washington, DC, April 3, 2017 Presentation, "Notice and Standing in the Fourth Amendment William and Mary Bill of Rights Journal Colloquium Williamsburg, VA, Mar. 25, 2017

Panelist, "Balancing Privacy and Security in Cyber Investigations" Rhode Island District Court Conference Providence, RI, Mar. 24, 2017

Panelist, "Human Rights and Cybersecurity"

American University Conference on Cybersecurity in an Age of Uncertainty: US-Israel Perspectives Washington, DC, Mar. 21, 2017

Moderator, "Cyberspace and Hacking: Meeting the Challenges of the Digital Age" National Security Law Brief, American University Washington College of Law Washington, DC, Mar. 1, 2017

Panelist, "Who Owns Privacy? Enforcement in the Tussle between the EU and US" Centre for European Policy Studies (CEPS) Ideas Lab Belgium, Brussels, Feb. 25, 2017

Panelist, "Surveillance & National Security" Cyberlaw Symposium, University of Maryland Law School Baltimore, MD, Feb. 20, 2017

Panelist, "The Effect of Encryption on Lawful Access to Data" Center for Strategic & International Studies Washington, DC, Feb. 8 2017

Panelist, "Privacy and Cross-Border Requests for Data" CPDP Conference Brussels, Belgium, Jan. 26, 2017

Panelist, "Future Tense - Will the Internet Always Be American" Slate/New America Foundation Washington, D.C., Jan. 24, 2017

Panelist, "Surveillance Issues" State of the Net Conference Washington, D.C., Jan. 23, 2017

Presenter, "Data's Differences" William & Mary Law School Williamsburg, VA, Jan. 12, 2017

Presenter, "When Can Law Enforcement Seize Data Across Borders" CATO Annual Surveillance Conference Washington, DC, Dec. 14, 2016

Panelist, "Surveillance Policy: A Practical Agenda for 2017 and Beyond" Center for a New America Security Washington, DC, Dec. 12, 2016

Panelist, "Extraterritoriality and Global Threats to Free Expression and Privacy" Global Network Initiative Learning Forum Washington, DC, Nov. 30, 2016

Panelist, "Hate Speech versus Freedom of Expression: From Theory to Judicial Practice" Council of Europe Octopus Conference 2016: Cooperation Against Cybercrime Strasbourg, France, Nov. 17, 2016

Panelist, "Concepts of Jurisdiction" Council of Europe Octopus Conference 2016: Cooperation Against Cybercrime Strasbourg, France, Nov. 17, 2016

Panelist, "Data & Jurisdiction" Global Internet & Jurisdiction Conference 2016 Paris, France, Nov. 16, 2016

Panelist, "The Post-9/11 Wars: International Law Challenges Facing the Next Administration" International Law Weekend, Fordham Law School New York, NY, Oct. 28, 2016

Panelist, "Thinking Different: Meeting Your Ethical Obligations in The Electronic Frontier" National Association of Criminal Defense Lawyer's 12th Annual White Collar Seminar Washington, DC, Oct. 27, 2016

Panelist, "The Challenge of Adversary Use of Social Media" U.S. Cyber Command Legal Conference Hanover, MD, Oct. 4, 2016

Panelist, "A Challenge for All: Preserving Privacy and Ensuring Data Security" 11th Annual ABA Homeland Security Law Institute Washington, D.C., Aug. 24, 2016

Panelist, "Data Privacy and Law Enforcement Access to Data at Home and Abroad" American Constitution Society National Convention 2016 Washington, DC, June 10, 2016

Panelist, "International Electronic Evidence Gathering 2025" CCIPS-CSIS Cybercrime Symposium, Center for Strategic & International Studies Washington, DC, June 7, 2016

Panelist, "We Knew That Global Data Flows Were Hard, But Really?" Conversation on Privacy, Microsoft Washington, DC, June 1, 2016

Panelist, "Cyber, Surveillance Law and Criminal Law" The Frontiers of Cybersecurity Policy and Law, Strauss Center at the University of Texas-Austin Austin, TX, Feb. 6, 2016

Discussant, "Keynote Dinner Conversation: Reform of the MLAT Process with Respect to Data Held Abroad The Frontiers of Cybersecurity Policy and Law", Strauss Center at the University of Texas-Austin Austin, TX, Feb. 4, 2016

Presenter, "Privatized Privacy" Fordham Law School New York, N.Y., Jan. 28, 2016

Moderator, "Legal Access to Digital Data: Who Makes the Rules? American Constitution Society & Federalist Society Washington, D.C., Jan. 21, 2016

Panelist, "Internet Governance" Santander-Brown Roundtable on Cybersecurity Providence, RI, Dec. 1, 2015

Panelist, "Domestic Surveillance on Foreign Shores: The Case of Microsoft's Servers in Ireland" American Enterprise Institute
Washington, DC, Oct. 6, 2015

Presenter, "Law Enforcement Across Borders: The Human Rights Issues" NATO Cooperative Cyber Defence Centre of Excellence Tallinn, Estonia, Oct. 1, 2015

Panelist, "Privacy v. Data Security – Finding A Balance" ABA Homeland Security Law Institute Washington, DC, Aug. 28, 2015

Presenter, "The Un-Territoriality of Data"
Call for Papers Luncheon, Southeast Association of Law Schools
Boca Raton, July 28, 2015
* Winner of the 2015 Call for Papers Award

Panelist, "Data Across Borders: Treaties, Law Enforcement and Digital Privacy in the Aftermath of Snowden Congressional Internet Caucus Briefing Washington, DC, July 24, 2015

Moderator, "Reforming Mutual Legal Assistance Treaties" Berkman Center for Internet & Society, Harvard Law School Cambridge, MA, June 22, 2015

Panelist, "Specific International Law Controlling Economic Cyber Espionage" Syracuse University College of Law Syracuse, NY, June 19, 2015

Panelist, NYU Symposium on Government Access to Data in the Cloud NYU School of Law New York, NY, May 26, 2015

Presenter, "The Un-Territoriality of Data"* Privacy Law Scholars Conference Berkeley, CA, June 5, 2015

Panelist, "End of the U.S. 'War on Terror:' Exploring How this Conflict Might End and the Implications" American Society of International Law Annual Conference Washington, DC, Apr. 11, 2015

Panelist, "The Administration's Proposed Authorization on the Use of Military Force: Next Steps" Briefing for Senate Staff, Russell Senate Office Building Washington, DC, Feb. 24, 2015

Panelist, "Interpreting the Fourth Amendment After Snowden" Symposium: Cyber-surveillance in the Post Snowden Age Washington and Lee, Lexington, VA, Jan. 24, 2015

Panelist, "Examining the Crisis in Syria"

New America Foundation, ASU's Center on the Future of War & the Walter Cronkite School of Journalism

Presenter, "The Un-Territoriality of Data" University of Texas Law School Austin, TX, Nov. 20, 2014

Panelist, "The Changing Face of Fourth Amendment Law: Are We Asking the Right Questions?" Symposium: PDS in the Legal Academy, Georgetown Law Center Washington, DC, Nov. 7, 2014

Presenter, "The Un-Territoriality of Data" Hauser Colloquium, New York University Law School New York, N.Y, Oct. 29, 2014

Panelist, "Debate on the Future of the 2001 AUMF" Institute for National Security and Terrorism Herzliya, Israel, Sep. 10, 2014

Panelist, "Striking the Balance: Privacy v. Security" ABA Homeland Security Law Institute Washington, DC, Aug. 21, 2014

Presenter, "Transnational Seizures: The Constitution and Criminal Procedure Abroad" Ohio State University Moritz College of Law Columbus, OH, July 29, 2014

Panelist, "The Metadata Debate"
The National Security Agency at the Crossroads, Strauss Center, University of Texas Austin, TX, April 3, 2014

Presenter, "Custody in a World of Non-Custodial Restraints" The Robina Institute, University of Minnesota Law School Minneapolis, MN, April 24, 2014

Presenter, "Constitutionalism Across Borders" Harvard Law School Cambridge, MA, Feb. 2014

Moderator, "Military Justice, Int'l Criminal Accountability, and Cross-Cultural Contexts: U.S. v. Bales" Lieber Society, American Society of International Law Washington, DC, Nov. 12, 2013

Panelist, "After the AUMF"
23rd Annual Review of the Field National Security Law Conference
Standing Committee on Law and National Security, American Bar Association
Washington, DC, Oct. 31, 2013

Panelist, "Guantanamo's Chief Prosecutor: The Past, Present, & Future of U.S. Military Commissions" American University Washington College of Law Washington, DC, Oct. 3, 2013

Moderator, "150 Years of War Regulation: Celebrating the 150th Anniversary of the ICRC & the Lieber Code" American Red Cross, Int'l Committee for the Red Cross, and the Lieber Society Washington, DC, July 23, 2013

Presenter, "The September 2001 Authorization to Use Military Force, and Targeted Killings" Global Security Forum (sponsored by Fordham Law School and the New America Foundation)

Panelist, "21st Century Warfare: Law, the Enemy and the Battlefield" Center on National Security, Fordham Law School New York, NY, March 18, 2013

Presenter, "Pre-Crime Restraints: The Explosion of Targeted, Non-Custodial Prevention" Sandra Day O'Connor College of Law Tucson, AZ, March 5, 2013

Panelist, "Detention in a Non-International Armed Conflict" International Committee on the Red Cross/Georgetown Law's National Security Law Society Washington, DC, Feb. 28, 2013

Presenter, "Geography and Non-International Armed Conflict" Workshop on the Geography of War in Armed Conflict, Naval War College Newport, RI, May 7, 2012

Panelist, "Law of Counterterrorism" Georgetown Center on National Security and the Law Washington, DC, Feb. 2, 2012

Moderator, "Direct Participation in Hostilities: Operationalizing the ICRC's Guidance" American Society on International Law Annual Meeting Washington, DC, March 27, 2009

Testified, European Parliament's Committee on Civil Liberties and Subcommittee on Human Rights European Parliament Joint Public Hearing on Guantanamo Brussels, Belgium, Feb. 28, 2008

Panelist, "Bringing Terrorists to Justice: Can Criminal Prosecution Work?" Federalist Society's National Lawyers Convention Washington, DC, May 3, 2007

Testified, United Nations Human Rights Committee Hearing on the United States' Compliance with the International Covenant on Civil and Political Rights New York, NY, March 13, 2006

Panelist, United States' Record with Respect to the U.N. Convention Against Torture Hearing before members of the United Nations Committee Against Torture Geneva, Switzerland, May 5, 2006

SELECT MEMBERSHIPS/ACTIVITIES

Founding Editor/Executive Editor, Just Security Blog
Editorial Board, Journal of National Security Law & Policy
Chair, National Security Law Section, Association of American Law Schools
Internet Law Fellow, American University Washington College of Law
2017 Cyber Fellow, Center for Strategic & International Studies
Board Member, Electronic Privacy Information Center
Co-Chair, North Carolina Commission of Inquiry into Torture
Co-Chair, Junior International Law Scholars Association (2015-2017)
Phi Beta Kappa
District of Columbia Bar
N.Y. Bar