

ELIZABETH (LIZA) GOITEIN

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EMPLOYMENT

THE BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW (Washington, DC Office)
Co-Director, Liberty and National Security Program, January 2009 – present.

CENTER FOR EFFECTIVE GOVERNMENT, UNIVERSITY OF CHICAGO
Senior Practitioner Fellow, 2021-2022.

SENATOR RUSSELL D. FEINGOLD
Counsel to Senator Feingold, Senate Judiciary Committee, March 2007 – December 2008.

U.S. DEPARTMENT OF JUSTICE, CIVIL DIVISION, FEDERAL PROGRAMS BRANCH
Trial Attorney, 1999 - 2007; Intern, Summer 1998.

JUDGE MICHAEL DALY HAWKINS, U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT
Law Clerk, 1998 - 1999.

EDUCATION

YALE LAW SCHOOL, J.D. 1998
Book Reviews Editor, *Yale Law Journal* (1997-1998)
Developments in Policy Editor, *Yale Law & Policy Review* (1996-1997)

THE JUILLIARD SCHOOL, Master of Music 1994, Oboe Performance Major

YALE UNIVERSITY, B.A. 1992, cum laude with distinction in the major (History)

PUBLICATIONS

Book Chapters and Major Reports

- *Emergency Powers, Real and Imagined: How Trump Used and Failed to Use Presidential Authority in the COVID-19 Crisis*, in *COVID-19: THE LEGAL CHALLENGES* (Carolina Academic Press 2020).
- *In Case of Emergency*, in *THE AMERICAN CRISIS: WHAT WENT WRONG. HOW WE RECOVER.* (Simon & Schuster 2020)
- *A Guide to Emergency Powers and Their Use* (Brennan Center for Justice 2018)
- *Liberty & National Security: An Election Agenda for Candidates, Activists, and Legislators* (with Faiza Patel and Michael Price) (Brennan Center for Justice 2018)
- *Lessons From the History of National Security Surveillance* (with Faiza Patel and Frederick A.O. Schwarz, Jr.), in *CAMBRIDGE HANDBOOK ON SURVEILLANCE* (Cambridge Press 2017)
- *The New Era of Secret Law* (Brennan Center for Justice 2016)
- *Overseas Surveillance in an Interconnected World* (with Faiza Patel and Amos Toh) (Brennan Center for Justice 2016)
- *What Went Wrong with the FISA Court* (with Faiza Patel) (Brennan Center for Justice 2015)
- *Overclassification: Its Causes and Consequences*, in *AN ENDURING TENSION: BALANCING NATIONAL SECURITY AND OUR ACCESS TO INFORMATION* (Emily Berman, ed., 2014)
- *Reducing Overclassification Through Accountability* (with David Shapiro) (Brennan Center for Justice 2011)

Selected Articles, Op-Eds, and Blog Posts

- *U.S. Surveillance of Americans Must Stop*, THE HILL, May 14, 2022
- *2022 Update: Reforming Emergency Powers*, JUST SECURITY, Jan. 24, 2022
- *D.C.'s National Guard Should Be Controlled by Its Mayor, Not by a President Like Trump* (with Joseph Nunn), SLATE, Dec. 2, 2021
- *Three Fixes to Prevent Another Battle of Lafayette Square* (with Angelo Pis-Dudot), DEFENSE ONE, June 1, 2021
- *The Government Can't Seize Your Digital Data. Except by Buying It.*, WASH. POST, Apr. 26, 2021
- *Declaring Climate Change an 'Emergency' Won't Help Biden Fight It*, WASH. POST., Jan. 29, 2021
- *Trump Showed How Easily Presidents Can Abuse Emergency Powers. Here's How Congress Can Rein Them In.*, POLITICO, Jan. 22, 2021
- *Why DC's Mayor Should Have Authority Over DC's National Guard* (with Joseph Nunn), JUST SECURITY, Jan. 8, 2021
- *Emergency Powers, Real and Imagined: How President Trump Used and Failed to Use Presidential Authority in the COVID-19 Crisis*, 11 J. NAT'L SEC. L. & POL'Y 25 (2020)
- *How Congress Is Pushing Back Against Trump's Unprecedented Use of Emergency Powers*, WASH. POST, Sept. 25, 2020
- *A Window to Rein in DHS* (with Carrie Cordero), JUST SECURITY, July 28, 2020
- *Trump's Private Army Is Scariest Than You Think*, SLATE, July 24, 2020
- *Yes, Trump Can Deploy Troops to Suppress Protests*, BOSTON GLOBE, June 3, 2020
- *Trump Has Emergency Powers We Aren't Allowed to Know About* (with Andrew Boyle), NEW YORK TIMES, Apr. 10, 2020
- *The Coronavirus is a Real Crisis. The Border Wall Obviously Wasn't*, WASH. POST, Mar. 18, 2020
- *Trump's Reasonable – and Yet Still Worrisome – Emergency Declaration*, THE ATLANTIC, Mar. 16, 2020
- *Limiting This Governmental Emergency Power Could Curb Presidential Overreach* (with Andrew Boyle), FORTUNE, Mar. 4, 2020
- *The U.S. Says Julian Assange 'Is No Journalist.' Here's Why That Shouldn't Matter.*, WASH. POST, May 25, 2019
- *Congress Considers Taking Back Its Power*, WALL STREET JOURNAL, Mar. 17, 2019
- *The Courts Will Likely Let Trump Declare an "Emergency," Even If It's Made Up*, WASH. POST, Feb. 15, 2019
- *What the President Could Do If He Declares a State of Emergency*, THE ATLANTIC MAGAZINE, Jan./Feb 2019
- *The Corker-Kaine Bill Would Codify, Not End, the Forever War*, DEFENSE ONE, Apr. 17, 2018
- *No Constitutional Authority for the Feds to Confiscate Guns Without Due Process* (with Nila Bala), THE HILL, Mar. 20, 2018
- *The Nunes Memo Doesn't Reveal an Abuse of Power. It Is One*, TIME, Feb. 2, 2018
- *Another Bite out of Katz: Foreign Intelligence Surveillance and the Incidental Overhear Doctrine*, 55 AM. CRIM. L. REV. 105 (2018)
- *Step Up on FISA Reform, Democrats*, NY DAILY NEWS, Jan. 16, 2018
- *Pelosi: Lead Fight to Block Government Spying on Americans*, SAN FRANCISCO CHRONICLE, Jan. 10, 2018
- *A Chance to Control Domestic Spying*, THE NEW REPUBLIC, Oct. 26, 2017
- *James Comey's Testimony: "Comey Was Playing Chess"* (with Emily Bazelon), NEW YORK TIMES, June 8, 2017
- *Trump Will Have Wider Spying Powers Than Anything J. Edgar Hoover Ever Imagined*, LOS ANGELES TIMES, Dec. 7, 2016
- *The Government's Addiction to 'Secret Law'*, NEW YORK TIMES, Oct. 18, 2016 (print headline: *Secret Law is Bad Law*)
- *Five Myths About Classified Information*, WASH. POST, Sept. 18, 2015
- *Who Really Wins from NSA Reform?*, MSNBC, June 5, 2015
- *McConnell's Snowden Amnesia Bill Extends NSA Snooping*, USA TODAY, Apr. 28, 2015
- *To Protect Our Privacy, Make the FISA Court Act Like a Real Court* (with Faiza Patel), LOS ANGELES TIMES, Mar. 20, 2015
- *Why Your New iPhone Has Law Enforcement in a Tizzy*, AMERICAN PROSPECT, Oct. 6, 2014
- *CIA-Senate Spat: Battle of the Branches*, LOS ANGELES TIMES, Mar. 23, 2014
- *The Third-Party Metadata Idea is Fourth-Rate* (with Carrie Cordero), WALL STREET JOURNAL, Mar. 10, 2014

- *Muddled Details in NSA Reform*, USA TODAY, Jan. 17, 2014
- *Let's Sequester Secrecy*, POLITICO, July 1, 2013
- *Our Antiquated Laws Can't Cope with National Security Leaks*, TIME, June 12, 2013
- *The Spying on Americans Never Ended*, WALL STREET JOURNAL, June 6, 2013
- *It's Time to Police the NYPD* (with Faiza Patel), NEW YORK TIMES, Jan. 29, 2012, at A23
- *National Security and America's Unnecessary Secrets* (with J. William Leonard), NEW YORK TIMES, Nov. 7, 2011
- *Classification and Consequences* (with David Shapiro), ROLL CALL, Apr. 16, 2010
- *Electronic Border Control*, THE SAN FRANCISCO CHRONICLE, Oct. 2, 2009
- *Abuse Revelations Demand an Inquiry*, THE BOSTON GLOBE, Aug. 5, 2009
- *So Many Secrets: Will Obama Change His Heart on a Key Rule-of-Law Issue?*, THE NEW REPUBLIC, May 7, 2009
- *Fixing Justice: Don't Filibuster the Rule of Law*, PHIL. INQUIRER, Apr. 9, 2009