

Mariano-Florentino Cuéllar

Stanford Law School, 559 Nathan Abbott Way, Stanford, CA 94305-8610 650.723.9216
tcuellar@stanford.edu

EDUCATION

STANFORD UNIVERSITY, Stanford, CA

Ph.D. 2000 Political Science (Sept. 1993 to December 1995; April 1999 to August 2000)

YALE LAW SCHOOL, New Haven, CT

J.D. 1997 (Sept. 1993 to May 1994; January 1996 to May 1997)

STANFORD UNIVERSITY, Stanford, CA

A.M. 1996 Political Science (Sept. 1993 to December 1995)

HARVARD COLLEGE, Cambridge, MA

A.B. 1993 Government and Political Psychology (Sept. 1990 to May 1993)

Magna cum laude; John Harvard Scholarship, Harvard College Scholarship.

PROFESSIONAL EXPERIENCE

Stanford Law School, Stanford, CA

Professor and Deane F. Johnson Faculty Scholar (June 2007 - present)

Assistant Professor / Associate Professor (August 2001 - May 2007)

- Courses: Administrative Law and Regulatory Policy, Legislation, Criminal Law, International Criminal Law, International Law Workshop, Legal Studies Workshop.
- Research agenda focuses on how organizations implement legal mandates involving criminal justice, migration, international security, and regulatory policy in complex political environments; security and the nation state; and accountability, autonomy, and the role of the public in legal and policy decision-making.
- Executive Committee, New Law School Academic Building (2006-present); Chair, Appointments Committee (2008-2009); Chair, Law School Workshop Series (2004-2006); Graduate and International Education Committee (2004- 2008); Master of Public Policy Committee (2004-2008).
- Executive Committee, Stanford Center for International Security and Cooperation (CISAC)(2007-present); Faculty Affiliate, CISAC (2003-present); Director, CISAC Honors Program in International Security (2005-2006); Faculty Fellow, Stanford Center for International Conflict and Negotiation (2004-2005); Executive Committee, Stanford International Initiative (allocating \$ 3 million in university-wide research funds for international research projects)(2005-2008).

U.S. Court of Appeals for the Ninth Circuit, Phoenix, AZ

Law Clerk to Chief Judge Mary M. Schroeder (Aug. 2000 - July 2001)

- Analyzed cases, wrote bench memos, and assisted in assigning cases.

U.S. Department of the Treasury, Washington, DC*Senior Advisor to the Under Secretary (Enforcement)* (June 1997 - Mar. 1999)

- Advised the Under Secretary (Enforcement) and other senior Treasury officials on policy coordination and oversight involving enforcement bureaus with a combined budget of over \$3 billion, including the Secret Service; Customs Service; Bureau of Alcohol, Tobacco and Firearms; Financial Crimes Enforcement Network; and Office of Foreign Assets Control.
- Led a comprehensive review of Treasury's financial crime enforcement and prevention activities, recommending new investments in the disruption of terrorist financing and the yearly evaluation of anti-money laundering regulations; developed Treasury responses to the potential importation of firearms from foreign markets; oversaw implementation of border coordination initiative enhancing cooperation between Customs and immigration officials; negotiated interdepartmental agreements on the investigation of financial crimes and money laundering; developed and analyzed initiatives on firearms enforcement, banking regulation, electronic money, financial crime and money laundering enforcement, international policing, anti-corruption enforcement; counter-terrorism, and border enforcement; and supervised research staff and interns.
- Co-chaired the Initiatives Subcommittee of the U.S. Attorney General's Council on White Collar Crime; served as Treasury official on the National Security Council's Executive Committee on Haiti; and represented Treasury at enforcement-related legislative briefings, interagency working groups, and National Security Council staff meetings.

OTHER POSITIONS HELD

Council of Economic Advisers, Executive Office of the President, Washington, DC – Research Staff (regulatory policy, international economic affairs, urban policy)(May 1996 - September 1996); Stanford University, Department of Political Science, Stanford, CA – Research Assistant (administrative, regulatory, and social policy; international affairs)(October 1994 - January 1996); White House, Office of Policy Development, Washington, DC – Legal Intern (health and regulatory policy)(July 1994 - September 1994); U.S. Senate, Hon. Senator Barbara Boxer, Washington, DC – Legal Intern (Whitewater/Madison Guaranty investigation, regulatory crime, domestic and international financial regulation)(May 1994 - July 1994); Yale University General Counsel's Office, New Haven, CT – Legal Intern (education law)(January 1994 - May 1994); Upward Bound Program, San Diego State University, San Diego, CA – Youth Coordinator (May 1993 - August 1993); American Bar Foundation, Chicago, IL – Undergraduate Research Fellow (organizational behavior)(June 1992 - September 1992).

SCHOLARLY RESEARCH

The Political Economies of Criminal Justice, 75 U. CHI. L. REV. 941 (2008).

Running Aground: The Hidden Environmental and Regulatory Implications of Homeland Security, 1 ADVANCE: THE JOURNAL OF THE ACS ISSUE GROUPS 45 (2008).

The Limits of the Limits of Idealism: Rethinking American Refugee Policy in an Insecure World, 1 HARV. L. & POL. REV. 401 (2007).

The Untold Story of Al Qaeda's Administrative Law Dilemmas, 91 MINN. L. REV. 1302 (2007)(reprinted in the 2007 selection of the ten best pieces of legal scholarship on global justice and security, published by Oxford University Press).

Crisis Bureaucracy: Homeland Security and the Political Design of Legal Mandates, 59 STAN. L. REV. 673 (2006)(with Dara Cohen and Barry Weingast).

Auditing Executive Discretion, 82 NOTRE DAME L. REV. 227 (2006).

Refugee Security and the Organizational Logic of Legal Mandates, 37 GEO. J. INT'L L. 583 (2006).

Rethinking Regulatory Democracy, 57 ADMIN L. REV. 411 (2005).

Reflections on Sovereignty and Collective Security, 40 STAN. J. INT'L L. 211 (2004).

The Mismatch Between State Power and State Capacity in Transnational Law Enforcement, 22 BERKELEY J. INT'L L. 15 (2004).

The International Criminal Court and the Political Economy of Antitreaty Discourse, 55 STAN. L. REV. 1597 (2003).

The Tenuous Relationship Between the Fight Against Money Laundering and the Disruption of Criminal Finance, 93 J. CRIM. L. & CRIMINOL. 311 (2003).

Past as Prologue: International Civil Aviation Agreements as Precedents for International Cooperation Against Cyber Terrorism and Cyber Crime, IN INTERNATIONAL APPROACHES TO COOPERATION AGAINST CYBER CRIME AND CYBER TERRORISM. (Abraham D. Sofaer and Seymour Goodman, eds. 2001).

POLITICAL RESPONSES TO INTERPRETIVE DECISIONMAKING IN U.S. CRIMINAL PROCEDURE, FEDERAL PREEMPTION, AND INTERNATIONAL FINANCE. Stanford University Dep't of Poli. Sci, Doctoral Dissertation (2000).

WORKS IN PROGRESS

The Institutional Logic of Preventive Crime

"Securing" the Nation: Law, Politics, and Organization at the Federal Security Agency, 1939-1953

Coalitions, Autonomy, and the Regulatory State

Polarizing Discretion and the Political Economy of Immigration Law

The Everyday Law of Legislative Organization (with Daniel Rodriguez and Barry Weingast)

The Problems with Earmarking Problems

OTHER PUBLICATIONS

Restoring Habeas Corpus and the Great Writ, Statement by Professor Mariano-Florentino Cuéllar, U.S. Committee on the Judiciary (May 22, 2007).

The Hidden Environmental and Regulatory Implications of Homeland Security, AMERICAN CONSTITUTION SOCIETY FOR LAW AND POLICY: ISSUE BRIEF (May 2007)(reprinted in ADVANCE: JOURNAL OF THE AMERICAN CONSTITUTION SOCIETY ISSUE GROUPS)(Spring 2008).

Notice, Comment, and the Regulatory State: A Case Study From the USA Patriot Act, 28 ADMIN. L. & REG. NEWS 3 (2003).

Choosing Anti-Terror Targets by National Origin and Race, 6 HARV. LATINO L. REV. 9 (2003).

How Much Do We Give Up for Security? SAN JOSE MERCURY NEWS (March 2003).

Patriot Sunsets and the Security-Liberty Balance, CRIMINAL DEFENSE WEEKLY (September 2002).

If You Don't Like the Law, Do You Still Have to Follow It?, SAN JOSE MERCURY NEWS (September 10, 2002).

When Security and Liberty Collide, SAN JOSE MERCURY NEWS (May 23, 2002).

Do Gun Rights Take Priority? SAN JOSE MERCURY NEWS (December 10, 2001).

Security or Freedom: Impact on Minorities and Immigrants, SAN JOSE MERCURY NEWS (October 2001).

SELECTED PRESENTATIONS AND WORKSHOPS

Immigration and the Challenge of Civil Discourse, National Association of Counties, Annual Convention, Kansas City, MO (July 2008)

Outsourcing Government? The Privatization of Public Responsibilities, American Constitution Society National Convention, Washington, DC (June 2008)

Institutions, Politics, and American Immigration Law, Department of Sociology, California State University, Long Beach (May 2008)

Immigration and the Election of 2008, Immigration Law Workshop, University of Miami, Coral Gables, FL (May 2008)

Securing Bureaucracy: Forging Law and Politics at the Federal Security Agency, 1939-1953, Faculty Workshop, Southwestern University Law School, Los Angeles, CA (April 2008)

Securing Bureaucracy: Forging Law and Politics at the Federal Security Agency, 1939-1953, Faculty Workshop, University of North Carolina, Chapel Hill School of Law (April 2008)

Running Aground: The Hidden Environmental and Regulatory Implications of Homeland Security, American Constitution Society, Phoenix, AZ (February 2008)

Running Aground: The Hidden Environmental and Regulatory Implications of Homeland Security, American Constitution Society, Bay Area Chapter, San Francisco, CA (December 2007)

Securing Bureaucracy: Forging Law and Politics at the Federal Security Agency, 1939-1953, Faculty Workshop, Arizona State University College of Law (October 2007)

The Law and Politics of the Congressional Immigration Reform Process, Stanford Alumni Association, Chicago, IL (October 2007)

Polarization, Pressure Valves, and American Immigration Policy, Stanford Alumni Association, Los Angeles, CA (September 2007)

“Securing” the Bureaucracy: The Federal Security Agency and the Political Design of Legal Mandates, 1939-1953, Faculty Workshop, College of Law, University of Iowa (August 2007)

Rediscovering the Federal Security Agency, Administrative Law Conference, School of Law (Boalt Hall), University of California, Berkeley (August 2007)

The Costs and Benefits of Regulatory Analysis in a Second-Best World, Plenary Session on the Future of Regulatory Analysis, American Bar Association Annual Meeting, San Francisco, CA (August 2007)

The Untold Story of al Qaeda’s Administrative Law Dilemmas, Law and Society Association Annual Meeting, Berlin, Germany (July 2007)

The Untold Story of al Qaeda’s Administrative Law Dilemmas, University of Minnesota Law School, Law Review Symposium on “9/11 Five Years On: A Comparative Look at the Global Response to Terrorism” (October 2006).

Crisis Bureaucracy: Homeland Security and the Political Design of Legal Mandates, Stanford Center for International Security and Cooperation, Social Science Seminar (October 2006).

“Securing” the Bureaucracy: The Federal Security Agency and the Political Design of Legal Mandates, 1939-1953, New York University Law School, Workshop on Law, Politics, and Economics (September 2006).

“Securing” the Bureaucracy: The Federal Security Agency and the Political Design of Legal Mandates, 1939-1953, University of Oregon Law School, Legal Theory Workshop (September 2006).

Rethinking “Security” in the Bureaucratic State: Learning From the Federal Security Agency, 1939-1953, Law and Society Association Annual Meeting, Baltimore, MD (August 2006).

The Mechanics of American Security, U.S.-Japan Foundation Annual Meeting, Seattle, WA (July 2006).

The Political Economy of Preventive Criminal Enforcement, University of Chicago, Criminal Law Conference (May 2006).

The Political Economy of Preventive Criminal Enforcement, University of Illinois College of Law, Criminal Law Workshop (April 2006).

Refugee Security and the Organizational Logic of Legal Mandates, University of Minnesota Law School, Legal Theory Workshop (March 2006).

Auditing Executive Discretion, University of Michigan Law School, Legal Theory Workshop (December 2005).

Terrorism, National Security, and the American Legal System, Foreign Authority Forum, Seoul National University, Korea (November 2005).

The Purposes of the Anti-Money Laundering System, RAND Corporation Conference on Money Laundering and Terrorist Financing, Arlington, VA (September 2005).

Rethinking Regulatory Democracy, Faculty Workshop, Law School, Washington University in St. Louis (April 2005).

Rulemaking and Democracy, Conference on Rulemaking, Center for the Study of Rulemaking, American University (March 2005).

Rethinking Regulatory Democracy, Conference on Administrative Law, University of California, San Diego and University of San Diego School of Law (January 2005).

Rethinking Public Engagement in the Administrative State, Center for Law and Society, School of Law, University of California, Berkeley (November 2003).

The Tenuous Relationship Between the Fight Against Money Laundering and the Disruption of Criminal Finance, Law and Society Association Annual Meeting, Pittsburgh, PA (July 2003).

Citizenship, National Security, and Democracy: Three Strands of Law, Travers Conference on Ethics, University of California, Berkeley (April 2003).

Section 314 of the Patriot Act and Public Engagement in the Administrative State, Faculty Workshop, School of Law, University of California, Los Angeles (April 2003).

Offing Benjamin: Domestic Enforcement and International Law Problems in the Drive to Disrupt Criminal Finance, Boalt Hall School of Law, University of California, Berkeley, Berkeley Journal of International Law 2003 Stefan A. Riesenfeld Symposium (March 2003).

The Political Economy of Antitreaty Discourse, Faculty Workshop, School of Law, University of California, Davis (February 2003).

Narco-Dry Cleaners, Money Passports, and Other Problems in the Political Economy of Anti-Money Laundering Enforcement, Centro de Investigación y Docencia Económica, Mexico City (August 2002).

Cross-Border Crime, Prosecutions, and the Rule of Law in Mexico, Advisory Board, Institute for International Studies, Stanford University (May 2002).

Legal and Ethical Constraints on Terrorism Prevention Technology, presented at the Hoover Institution Conference on Terrorism Prevention Technology, Stanford University (March 2002).

Rethinking the Security-Civil Liberties Balance, Center for Law and Social Justice, School of Law (Boalt Hall) University of California, Berkeley (October 2001).

Challenges of Globalization and Economic Development in Latin America: Politics, Institutions, and the Rule of Law, Conference on Economic Challenges for Mexico in the Twenty-First Century, Universidad de las Américas, Puebla. Cholula, Puebla (January 2000).

Why Institutions Matter More than Technology: International Terrorism Treaties as Precedents for International Cooperation Against Cyber Threats, Conference on International Responses to Cyber Crime and Cyber Terrorism, Hoover Institution and Center for International Security and Cooperation, Stanford University (December 1999).

PUBLIC SERVICE AND PROFESSIONAL ACTIVITIES

Board of Directors, Asylum Access, Inc. (since 2008)(providing advocacy and legal services to refugees in Africa, Latin America, and Asia)

Board of Directors, Institute for Renewal of the California Dream (since 2006)(supporting development of progressive policies and public education strategies for California and other states)

Co-Chair, Regulatory Policy Committee, American Bar Association Section of Administrative Law and Regulatory Practice (since 2007), Vice Chair, Rulemaking Committee (since 2005)

Faculty Steering Committee, Stanford Haas Center for Public Service (2007-2008)

OMB Watch Task Force on Government Management of the Regulatory Process (2008)

John Gardner Public Service Fellowship Committee (2006 - 2008)

Fellow, U.S.-Japan Foundation (since 2005)

Santa Clara County Bar Assoc., Pres. Commission on Diversity in the Legal Profession, (2006 - 2007);

Board of Directors, American Civil Liberties Union of Northern California (2003 - 2005)

City of Mountain View, Mayor's Award Jury & Pro Bono Attorney (2003)

Silicon Valley Blue Ribbon Task Force on Technology and Aviation Security (2002)

San Francisco Lawyers' Committee for Civil Rights Pro Bono Program (1999 - 2000).

Associations: American Constitution Society (Cudahy Writing Competition Judge, 2008-2009), California Bar, Ninth Circuit Bar, La Raza Lawyers' Association of California, American Bar Association, Law and Society Association (Book Prize Committee, 2006-2007), American Political Science Association, American Society for International Law (Book Prize Committee, 2007-2008).

Editorial Advisory Board/Journal Referee: *Law and Society Review*, *New Criminal Law Review*, *Journal of Legal Studies*, *International Journal of Criminal Law Education*, *Journal of Money Laundering Control*.