

## **Mariano-Florentino (Tino) Cuéllar**

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### **EDUCATION**

**STANFORD UNIVERSITY**, Stanford, CA

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

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

**YALE LAW SCHOOL**, New Haven, CT

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

**HARVARD COLLEGE**, Cambridge, MA

**A.B. 1993 Government & Political Psychology** (*Magna Cum Laude*) (Sept. 1990 to May 1993)

### **PROFESSIONAL EXPERIENCE**

**Stanford Law School and Stanford University**, Stanford, CA (August 2001– present)

*Professor of Law and Deane F. Johnson Faculty Scholar* (previously Assistant/Assoc. Prof.)

*Co-Director, Stanford Center for International Security and Cooperation*

*Senior Fellow, Freeman Spogli Institute for International Studies*

*Professor (by courtesy) of Political Science*

- Courses include Administrative Law, Executive Power, Legislation, Criminal Law, International Criminal Law, International Security in a Changing World, and History and Future of Citizenship and the State. Research agenda focuses on administrative law; executive power; and how organizations and legal systems implement public health and safety, citizenship and immigration, and international security responsibilities.
- Chair, Law School Appointments Committee (2008-2009); Convenor, Law School Workshop Series (2004-2006); Law School Building Committee (2006-2008); Graduate and International Education Committee (2004-2008, 2011-present); Law and Public Policy Committee (2004-2008, 2010-present); Admissions Committee (2001-2003).
- Co-direct Stanford's university-wide Center for International Security and Cooperation (CISAC)(2011-present), directed the CISAC Honors Program in International Security (2005-2006), and serve as a faculty affiliate (2003-present).

**The White House, Domestic Policy Council**, Washington, DC (March 2009 – July 2010)

*Special Assistant to the President for Justice and Regulatory Policy*

- Led the White House Domestic Policy Council's work on criminal justice and drug policy; civil rights and liberties; immigration, borders, and refugees; public health and safety; rural development and agriculture policy; and regulatory reform.
- Oversaw implementation of Administration-wide initiatives, managed the inter-agency process, worked with the National Security Staff, and advised the President and senior White House officials on matters implicating justice and regulatory policy.

**Obama-Biden Transition Project**, Washington, DC*Co-Chair, Immigration Policy Working Group* (August 2008 – January 2009)

- Co-directed the presidential transition team working on immigration, borders, and refugee policy; supervised analyses of legislative proposals, agency practices; national security and foreign policy issues involving immigration, citizenship and immigration services, integration, migration and the economy, and refugee and asylum policy; briefed cabinet nominees and the Transition Board.

**U.S. Court of Appeals for the Ninth Circuit**, Phoenix, AZ (August 2000 - July 2001)*Law Clerk to Chief Judge Mary M. Schroeder*

- Analyzed cases, wrote bench memos, and conducted research projects for the Chief Judge.

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

- Worked with the Under Secretary (Enforcement) and other senior Treasury officials on policy coordination and oversight of 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 policies; negotiated inter-agency agreements on the investigation of financial crimes and money laundering; and analyzed policies on firearms enforcement, regulatory compliance, electronic money, international policing, anti-corruption policy, and border security.
- Co-chaired the Initiatives Subcommittee of the U.S. Attorney General's Council on White Collar Crime; represented Treasury at National Security Council meetings on Haiti.

**Earlier Positions:** Council of Economic Advisers, Executive Office of the President, Washington, DC – Research Staff/Intern (regulatory policy and international economic affairs)(May 1996 - September 1996); Stanford University, Department of Political Science, Stanford, CA – Graduate Research Assistant (administrative, regulatory, and social policy; international affairs)(October 1994 - January 1996); White House Domestic Policy Council, Washington, DC – 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).

**SCHOLARLY RESEARCH**

GOVERNING SECURITY: THE HIDDEN ORIGINS OF AMERICAN SECURITY AGENCIES (Stanford Univ. Press, 2012)(forthcoming)

*Coalitions, Autonomy, and Regulatory Bargains in Public Health Law* in PREVENTING CAPTURE (Daniel Carpenter, David Moss, and Steven Croley, eds., Cambridge Univ. Press, 2012)(forthcoming)

*Earmarking Earmarking*, 49 HARV. J. LEGIS. \_\_\_ (2012)(forthcoming)

*The Political Economies of Immigration Law*, 2 U.C. IRVINE L. REV. \_\_ (2012)(forthcoming)

*The Arms of Democracy: Economic Security in the Nation's Broader National Security Agenda*, in SHARED RESPONSIBILITY, SHARED RISK: GOVERNMENTS, MARKETS, AND SOCIAL POLICY IN THE TWENTY-FIRST CENTURY (Jacob Hacker and Ann O'Leary, eds., Oxford University Press 2011)(with Connor Raso)

*The Institutional Logic of Preventive Crime*, in PROSECUTORS IN THE BOARDROOM (Anthony Barkow and Rachel Barkow, eds., NYU Press 2011).

*From Federal Security to Homeland Security: Law, Politics, and Organization in the American Security Agenda*, THE LEGAL WORKSHOP: U. CHI. L. REV. (May 31, 2010)

"Securing" the Nation: Law, Politics, and Organization at the Federal Security Agency, 1939-1953, 76 U. CHI. L. REV. 587 (2009).

*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., Hoover Institution Press 2001).

## WORKS IN PROGRESS

*Mobilizing Administration: The Lost Wartime Origins of American Administrative Law*

*Shadow Governance and the Political Economy of Illicit Organization*

*The Adjudicatory Presidency*

## OTHER PUBLICATIONS

*On Government Service, Politics, and the Super Committee*, 85 STANFORD LAWYER (interview of Congressman Xavier Becerra)(Oct. 28, 2011).

*On International Cooperation and Security*, 83 STANFORD LAWYER (interview of Interpol President Ronald K. Noble)(Nov. 8, 2010).

*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).

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

*Security and Freedom*, SAN JOSE MERCURY NEWS (October 2001).

## SELECTED PRESENTATIONS

*Mexico's Security Crisis: An American Perspective*, Judicial Conference, U.S. District Court, Northern District of California (April 2012)

*Redesigning Regulatory Democracy*, American Bar Association Section of Administrative Law and Regulatory Practice, Midyear Conference, Princeton University (April 2012)

*Governing Security*, Cornell Law School, Faculty Colloquium (April 2012)

*Governing Security*, University of California, Hastings College of Law, Faculty Colloquium (April 2012)

*Executive Power in Historical Perspective*, Federalist Society Annual Student Convention, Stanford Law School, Stanford, CA (March 2012)

*Shadow Governance and the Regulation of Illicit Activity*, American Australian Leadership Dialogue, Stanford, CA (January 2012)

*Regulation in the Age of Obama*, Annual Meeting, American Association of Law Schools, Administrative Law Section, Washington, DC (October 2012)

*The American Executive Branch in the Early 21<sup>st</sup> Century: Challenges and Opportunities*, Stanford Alumni Association, Stanford, CA (October 2011)

*Shadow Governance and the Regulation of Illicit Activity, Violence, Drugs, and Governance: Mexican Security in Comparative Perspective*, Freeman Spogli Institute of International Studies, Stanford University (October 2011)

*Envisioning a Responsive Regulatory State: An American Perspective on Administrative Process and Regulatory Policy*, National Association of Italian Professors of Administrative Law, Bari, Italy (September 2011)

*Securing the Nation*, Korea University School of International Studies, Seoul, Korea (August 2011)

*Tomorrow*, Commencement Address, Evergreen Community College, San Jose, CA (May 2011)

*Earmarking Earmarking*, University of Chicago, Law School, Public Law and Legal Theory Workshop (May 2011)

*Food Security, Instability, and the Domestic-International Nexus*, Conference on Connecting the Dots: Food, Water, Energy, and Climate, Woods Institute on the Environment, Stanford, CA (April 2011)

*Organization, Security, and the Domestic-International Nexus*, MacArthur Foundation, Chicago, IL (March 2011)

*The Political Economies of Immigration*, University of California, Irvine School of Law, Law Review Symposium on Immigration Law and Policy (January 2011)

*The Executive in Crisis*, Conference on the Constitution in the Financial Crisis, Stanford Constitutional Law Center, Stanford Law School (November 2010)

*Administering Emergencies*, American Association of Law Schools, Administrative Law Section, Annual Meeting, San Francisco, CA (October 2010)

*Institutional Reality and Aspiration in the American Immigration System*, Conference on Citizenship and Immigration: Perspectives from the Immigrant Democracies, University of New South Wales, Sydney, Australia (July 2010)

*Regulation in the Age of Obama*, American Constitution Society National Convention, Washington, DC (June 2010)

*Law and Society in the White House: Some Domestic Policy Challenges for Americans in the Early 21<sup>st</sup> Century*, Presidential Invited Address, Law and Society Association, Chicago, IL (May 2010)

*Tomorrow Morning*, Commencement Address, Rio Hondo Community College, Whittier, CA (May 2010)

*The Role of the Executive Branch in Public Health Policy*, Institute of Medicine, Committee on Public Health Strategies, Washington, DC (May 2010)

*Fighting Drug Abuse*, National Conference, High-Intensity Drug Trafficking Areas Program, Washington, DC (April 2010)

*The Federal Role in Criminal Justice*, American Constitution Society Panel on Criminal Justice, Washington, DC (December 2009)

*The New Administration's Drug Policy*, Federalist Society for Law and Public Policy National Convention, Washington, DC (November 2009)

*The Importance of Reentry in Criminal Justice Policy*, American Bar Association Summit on Reentry, Washington, DC (November 2009)

*The Obama Administration's Domestic Policy Agenda*, Equal Employment Advisory Council Annual Meeting, St. Louis, MO (October 2009)

*Coalitions, Autonomy, and the Regulatory State*, International Legal Theory Colloquium, Georgetown University Law Center (December 2008)

*Coalitions, Autonomy, and the Regulatory State*, International Law Colloquium, School of Law, University of California, Berkeley, CA (November 2008)

*A Fresh Start for a New Administration: Reforming Law and Justice Policies*, American Constitution Society Panel, Washington, DC (October 2008)

*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 (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*, Minnesota Law Review Symposium on "9/11 Five Years On: A Comparative Look at the Global Response to Terrorism," University of Minnesota Law School (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*, Berkeley Journal of International Law 2003 Stefan A. Riesenfeld Symposium, School of Law, University of California, Berkeley, (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, Mexico (January 2000).

*Why Institutions Matter More than Technology: International Aviation 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**

National Commission on Educational Equity and Excellence – Co-Chair and Commissioner (appointed by Secretary of Education Arne Duncan in February 2011)

American Constitution Society – Board of Directors (since 2011)

Subcommittee on Sanctions, U.S. Department of State Advisory Committee on International Economic Policy – Member (since 2011)

The Constitution Project – Board of Directors (since 2010)

Administrative Conference of the United States – Council Member (appointed by President Obama in July 2010) (2010-2013)

Obama for America - Chair, Policy Advisory Committee on Immigration, Borders, and Refugees; and policy advisor on domestic and international criminal justice (2007-2008)

Asylum Access, Inc. - Board of Directors (2007-2008; resigned because of government service)(organization providing advocacy and legal services to refugees in Africa, Latin America, and Asia)

American Bar Association, Section of Administrative Law and Regulatory Practice - Co-Chair, Regulatory Policy Committee (2007-2008), Vice Chair, Rulemaking Committee (2005-2007)

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

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

John Gardner Public Service Fellowship – Steering Committee (2006 - 2008)

Santa Clara County Bar Association, President’s Commission on Diversity in the Legal Profession – Commissioner (2006 - 2007)

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

City of Mountain View - Mayor’s Award Jury & Pro Bono Legal Consultant (2003)

Silicon Valley Blue Ribbon Task Force on Aviation Security - Commissioner (2002)

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

**Associations:** Council on Foreign Relations, American Constitution Society (Cudahy Writing Competition Judge, 2008-2009; participant at National Convention, 2008; regular panelist), California Bar, Ninth Circuit Bar, La Raza Lawyers’ Association of California, National Hispanic Bar Association, 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*, *American Political Science Review*, *Journal of Legal Studies*, *International Journal of Criminal Law Education*, *Journal of Money Laundering Control*, *New Criminal Law Review*, *Mexican Law Review*.

**Honors and Awards:** Asian Law Alliance, Community Impact Award (2012); Asian Pacific American Bar Association of Silicon Valley, Keynote Speaker and Civil Rights Champion Award (2011); San Francisco La Raza Lawyers’ Association, Lawyer of the Year (2011); Law and Society Association, Presidential Invited Address (2010); First Annual Public Service Award, Fresno Latino Rotary Club (2010); Elected Member, American Law Institute (since 2008); Selected as author of one of the ten best law review articles on global justice and security, Oxford Univ. Press Annual Reader in Global Justice and Security (2007); Fellowship, U.S.-Japan Foundation (2004-2005); Faculty Fellowship, Stanford Center for International Security and Cooperation (2004); Faculty Fellowship, Stanford Center on Conflict and Negotiation (2003); Lilly and Henry Budde Fellowship (1999); U.S. Department of the Treasury, Office of Enforcement Service Recognition (1999); Elliott Goldstein Scholarship, Yale Law School (1996); Connecticut Bar Foundation Scholarship (1994); Harvard Foundation Achievement Award (1993).