

NATHAN ALEXANDER SALES
George Mason University School of Law
3301 Fairfax Dr. Arlington, VA 22201
(703) 993-4420 nsales1@gmu.edu

EXPERIENCE

GEORGE MASON UNIVERSITY SCHOOL OF LAW, Arlington, VA

- Assistant Professor of Law (January 2008-present).
- Courses taught: national security law; administrative law; criminal law.
- Committees: Admissions and Minority Recruitment Committee (2011-2012); Curriculum Committee (2011-2012); Adjuncts, Clinics, and Law Reviews Committee (2010-2011; 2012-present); Clerkships and Placement Committee (2008-2011); Workshop Series Committee (2009-2010; 2012-present).
- Other service: Director, Homeland & National Security Curriculum (2008-present); Faculty advisor, *National Security Law Journal* (2012-present).
- Selected by students as 2012 commencement speaker.

UNITED STATES DEPARTMENT OF HOMELAND SECURITY, OFFICE OF POLICY, Washington, DC

- Deputy Assistant Secretary for Policy Development (July 2006-December 2007).
- Areas of responsibility included intelligence, information sharing, terrorist travel, and border security. Led DHS's efforts to draft and implement legislation strengthening security features of, and expanding membership in, Visa Waiver Program (which allows citizens of certain countries to travel to the United States without a visa). Headed U.S. delegation in talks with seven countries to implement new visa waiver security measures; served as Secretary of Homeland Security's Special Envoy to South Korea. Managed staff of 70 directors, analysts, and support personnel.

GEORGETOWN UNIVERSITY LAW CENTER, Washington, DC

- John M. Olin Fellow (October 2005-July 2006).

WILEY REIN LLP, Washington, DC

- Associate (November 2003-July 2005).
- Member of firm's appellate and litigation practice groups. Represented clients in litigation before federal courts, state courts, and administrative agencies on issues including First Amendment, Takings Clause, Administrative Procedure Act, Communications Act, appropriations law, white collar criminal law, and federal preemption.

UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF LEGAL POLICY, Washington, DC

- Special Counsel (July 2005-October 2005); Senior Counsel (June 2003-October 2003); Counsel (August 2001-June 2003).
- Participated in developing and implementing various counterterrorism initiatives, including USA PATRIOT Act and Attorney General's investigative guidelines. Vetted and planned confirmation strategy for nominees to appellate and district courts. Managed Justice Department "war room" during confirmation of Chief Justice John Roberts.
- Received Attorney General's Award for Exceptional Service (Justice Department's highest honor) in 2002, for role in drafting USA PATRIOT Act. Received Attorney General's Distinguished Service Award in 2003, for role in judicial confirmation process.

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT, Washington, DC

- Law Clerk to the Honorable David B. Sentelle (July 2000-July 2001).

EDUCATION

DUKE UNIVERSITY SCHOOL OF LAW, Durham, NC

- J.D., *magna cum laude*, May 2000.
- Honors: Order of the Coif; Administrative Practice and Government Regulation Award.
- Activities: *Duke Law Journal*, Research Editor.

MIAMI UNIVERSITY, Oxford, OH

- B.A., *summa cum laude*, in History & Political Science, May 1997.
- Honors: Phi Beta Kappa; University Honors.

ACADEMIC PUBLICATIONS

Regulating Cybersecurity, 107 NW. U. L. REV. (forthcoming 2013).

Self Restraint and National Security, 6 J. NAT'L SEC. L. & POL'Y 227 (2012) (peer reviewed).

Terrorist Detention Policy, in OXFORD ENCYCLOPEDIA OF AM. POL. & LEGAL HIST. (2012).

Mending Walls: Information Sharing After the USA PATRIOT Act, 88 TEX. L. REV. 1795 (2010).

Share and Share Alike: Intelligence Agencies and Information Sharing, 78 GEO. WASH. L. REV. 279 (2010).

Homeland Security, Information Policy, and the Transatlantic Alliance, in LEGAL ISSUES IN THE STRUGGLE AGAINST TERROR 277 (John Norton Moore & Robert F. Turner eds.; Carolina Academic Press; 2010) (with Stewart A. Baker).

The Rest Is Silence: Chevron, Jurisdictional Questions, and Statutory Silences, 2009 U. ILL. L. REV. 1497 (2009) (with Jonathan H. Adler), *cited with approval in* City of Arlington v. FCC, 569 U.S. __ (2013) (Roberts, C.J., dissenting).

Run for the Border: Laptop Searches and the Fourth Amendment, 43 U. RICH. L. REV. 1091 (2009).

Secrecy and National Security Investigations, 58 ALA. L. REV. 811 (2007).

Classical Republicanism and the Fifth Amendment's "Public Use" Requirement, 49 DUKE L.J. 339 (1999), *cited with approval in* Kelo v. City of New London, Conn., 545 U.S. 469, 505, 509, 510 (2005) (Thomas, J., dissenting).

SELECTED OTHER PUBLICATIONS

Bradley Manning Is the Poster Child for Failing to Prevent Leaks, U.S. NEWS & WORLD REP. (July 31, 2013).

Viewpoints: The Bradley Manning Verdict, BBC NEWS (July 30, 2013).

Was the Boston Bomber's Interrogation Cut Short?, U.S. NEWS & WORLD REP. (Apr. 24, 2013).

Obama Keeps al Qaeda at Bay, but Handcuffs the CIA as Well, U.S. NEWS & WORLD REP. (May 2, 2012).

A Vital Weapon, N.Y. TIMES (Sept. 8, 2011).

Information Sharing and Agency Self Interest, CIP REPORT (May 2010).

Connecting the Dots and the Christmas Plot, HARV. NAT'L SEC. J. FORUM (Jan. 26, 2010).

... *And National Security Questions*, RICHMOND TIMES-DISPATCH (May 27, 2009).

The Patriot Act Isn't Broken, CHRISTIAN SCIENCE MONITOR (Mar. 5, 2009).

Run for the Border: Laptop Searches and the Fourth Amendment, AM. BAR ASS'N NAT'L SEC. L. REPORT (Nov./Dec. 2008).

SELECTED PRESENTATIONS

Cyber Threats & Cyber Realities, Roger Williams University School of Law, June 18-19, 2013.

The Search for Privacy and Security in the Internet's Modern Era, June 14, 2013 (panel at American Constitution Society National Convention).

Drone Warfare in 2030, American University Washington College of Law, Apr. 18, 2013 (panel discussion).

The Drone Wars, George Mason University School of Law, Apr. 10, 2013 (panel sponsored by Muslim Law Students Association and Students for Liberty).

CyberThreats & The Economy: New Strategies to Secure Our Economy from Cyber Depredation, George Mason University School of Law, Apr. 9, 2013 (conference sponsored by American Center for Democracy and Center for Infrastructure Protection).

The Future of Administrative Law, George Mason University School of Law, Feb. 15, 2013 (panel at annual Transatlantic Law Forum conference).

Instructor, Summer School on Constitutional and Human Rights Law, Constitutional Court of Georgia and Ilia State University, Batumi, Georgia, July 23-25, 2012.

Discussant, Fifth Annual Privacy Law Scholars Conference, George Washington University Law School, June 7-8, 2012.

Regulating Cybersecurity.

- South Texas College of Law, May 18, 2012 (Fifth Annual National Security Law Faculty Workshop).
- Tbilisi, Georgia, Feb. 10, 2012 (lecture sponsored by Georgia Ministry of Justice).

National Security Judicial Deference: Lessons Learned and Challenges for the Future, Duke Law School, Apr. 13, 2012 (panel at conference sponsored by Center on Law, Ethics, and National Security).

Constitutional Interpretation, Institutions, and Legitimacy: Comparative Perspectives, Bazaleti, Georgia, Feb. 9, 2012 (lecture sponsored by Free University of Tbilisi School of Law and Georgia Constitutional Court).

Post-WikiLeaks Era Tensions in National Security Information Sharing and Safeguarding, Washington, DC, Dec. 15, 2011 (Sixth Annual Department of Homeland Security Intelligence and National Security Law Conference).

Habits of Compliance? International Law and the Executive, Fordham University School of Law, Oct. 21, 2011 (panel at International Law Weekend, American Branch of the International Law Association).

Extend, Amend, or Repeal? The PATRIOT Act at Ten, Georgetown University Law Center, Mar. 23, 2011 (panel sponsored by Center on National Security and the Law).

Judicial Reform: The American Experience.

- University of Craiova (Romania), Mar. 5, 2011.
- Bratislava, Slovakia, Mar. 2, 2011.

Self Restraint and National Security, University of Richmond School of Law, Dec. 10, 2010 (Virginia Junior Faculty Forum).

Coercive Interrogation and Civil Liberties, Arlington, Virginia, Oct. 8, 2010 (instructor at Air Force Judge Advocate General conference).

Skating on Stilts: Why We Aren't Stopping Tomorrow's Terrorism, Georgetown University, Sept. 23, 2010 (participant in panel discussion of eponymous book by Stewart A. Baker).

The Relevance of Risk Management and Information Sharing to Homeland Security, Arlington, Virginia, Mar. 30, 2010 (conference sponsored by Center for Infrastructure Protection).

The Transformation of U.S. Interrogation Policy, American Association of Law Schools Annual Meeting, Jan. 9, 2010.

National Security Law – Current Issues, Arlington, Virginia, Oct. 1, 2009 (instructor at Air Force Judge Advocate General conference).

Law as a Product – and a Problem, Bucerius Law School (Hamburg, Germany), Sept. 3, 2009 (panel at annual Transatlantic Law Forum conference).

Detaining Suspected Terrorists: Past, Present, and Future, University of Richmond School of Law, Apr. 2, 2009 (Richmond Law Review 2009 Allen Chair Symposium).

Share and Share Alike: Intelligence Agencies and Information Sharing, University of Texas School of Law, Mar. 13, 2009 (Second Annual National Security Law Faculty Workshop).

Homeland Security, Information Policy, and the Transatlantic Alliance, University of Virginia School of Law, May 12, 2007 (lecture sponsored by Center for National Security Law).

Secrecy and National Security Investigations.

- George Mason University School of Law, Dec. 6, 2006 (faculty workshop).
- University of Nebraska School of Law, Dec. 4, 2006 (faculty workshop).
- Brooklyn Law School, Nov. 27, 2006 (faculty workshop).
- Georgetown University Law Center, May 4, 2006 (faculty workshop).

Civil Liberties vs. National Security, University of Texas Lyndon B. Johnson School of Public Affairs, Apr. 16, 2003 (debate sponsored by Distinguished Visiting Tom Slick Professorship of World Peace).

CONGRESSIONAL AND OTHER TESTIMONY

Workshop Regarding Surveillance Programs Operated Pursuant to Section 215 of the USA PATRIOT Act and Section 702 of the Foreign Intelligence Surveillance Act, Privacy and Civil Liberties Oversight Bd., July 9, 2013.

National Security Leaks and the Law: Hearing Before the Subcomm. on Crime, Terrorism, and Homeland Security of the H. Comm. on the Judiciary, 112th Cong. (2012).

The Reauthorization of the PATRIOT Act: Hearing Before the Subcomm. on Crime, Terrorism, and Homeland Security of the H. Comm. on the Judiciary, 112th Cong. (2011), *reprinted in* CURRENT CONTROVERSIES: ESPIONAGE AND INTELLIGENCE (Sylvia Engdahl ed., 2012).

Implementing the 9/11 Act Mandates for Enhancing the Visa Waiver Program: Hearing Before the Subcomm. on Border, Maritime, and Global Counterterrorism of the H. Comm. on Homeland Security, 110th Cong. (2008).

Laptop Searches and Other Violations of Privacy Faced by Americans Returning from Overseas Travel: Hearing Before the Subcomm. on the Constitution, Civil Rights, and Property Rights of the S. Comm. on the Judiciary, 110th Cong. (2008).

Expanding the Visa Waiver Program, Enhancing Transatlantic Relations: Hearing Before the Subcomm. on Europe of the H. Comm. on Foreign Affairs, 110th Cong. (2007).

Testimony on H.R. 4890, the Legislative Line Item Veto Act of 2006, Before the H. Comm. on the Budget, 109th Cong. (2006) (with Viet D. Dinh).

SELECTED MEDIA APPEARANCES

BBC News at Ten, BBC One, Aug. 21, 2013 (television broadcast about Bradley Manning leaks trial).

Today, BBC Radio 4, Aug. 14, 2013 (radio broadcast about leaks of classified information).

Conor Friedersdorf, *How Secrecy Has Already Corroded Our Democracy*, THE ATLANTIC, Aug. 8, 2013.

Pema Levy, *NSA Surveillance Scandal: All Personal Records Are Relevant Is a Slippery Legal Theory to Stand On*, INT'L BUS. TIMES, July 30, 2013.

Pema Levy, *NSA Controversy: The Supreme Court Case that Could Determine the Fate of NSA Surveillance*, INT'L BUS. TIMES, July 15, 2013.

Nicole Greenstein, *Reconciling Privacy and Security Post-Snowden*, TIME, July 11, 2013.

Washington Journal, C-SPAN, June 15, 2013 (television broadcast about USA PATRIOT Act and NSA surveillance programs).

Fox 5 Morning News, Washington, DC, Apr. 23, 2013 (television broadcast about Boston Marathon bombing).

The Conversation, Seattle National Public Radio, May 25, 2011 (radio broadcast about reauthorization of USA PATRIOT Act).

Impact, BBC World News, Dec. 14, 2010 (television broadcast about WikiLeaks and publication of classified information).

The Hub, BBC World News, Dec. 8, 2010 (television broadcast about WikiLeaks and publication of classified information).

Fox 5 Morning News, Washington, DC, Sept. 1, 2010 (television broadcast about aviation security and terrorism).

Editorial, *Felonious Flying: Terrorism Law's Expansion Goes Too Far in Trying to Control Unruly Airline Passengers*, LAS VEGAS SUN, Jan. 26, 2009.

Ralph Vartabedian & Peter Pae, *In-Flight Confrontations Can Lead to Terrorism Charges*, L.A. TIMES, Jan. 20, 2009.

Jerry Markon, *Ex-CIA Official Pleads Guilty to Fraud*, WASH. POST, Sept. 30, 2008.

Ellen Nakashima, *Expanded Powers to Search Travelers at Border Detailed*, WASH. POST, Sept. 23, 2008.

Matthew Barakat, *Ex-CIA Exec Facing Trial Says He'll Expose Agents*, ASSOC. PRESS, Sept. 9, 2008.

Alexandra Marks, *U.S. Defends Laptop Searches at the Border*, CHRISTIAN SCIENCE MONITOR, July 10, 2008.

Austin Bogues, *Laptop Searches in Airports Draw Fire at Senate Hearing*, N.Y. TIMES, June 26, 2008.

Jay Solomon & Siobhan Gorman, *Passport Breaches Fuel Concerns*, WALL STREET J., Mar. 22, 2008.

Trial Heat, Court TV, Dec. 20, 2005 (television broadcast about Supreme Court confirmation process).

To the Point, Public Radio International, Aug. 20, 2004 (radio broadcast about intelligence gathering and First Amendment rights).

The Connection, National Public Radio, Aug. 19, 2004 (radio broadcast about intelligence gathering and First Amendment rights).

OTHER ACTIVITIES

Member and Reporter, American Bar Association Task Force on Foreign Intelligence Surveillance Act (2010-present).

Homeland Security 3.0: Building a National Enterprise to Keep America Safe, Free, and Prosperous, report of task force chaired by Center for Strategic and International Studies and Heritage Foundation (Sept. 18, 2008).

Sixteenth Annual National Security Law Institute, Center for National Security Law, University of Virginia School of Law (June 1-13, 2008).

PROFESSIONAL AFFILIATIONS

Virginia State Bar. District of Columbia Bar. United States Court of Appeals for the District of Columbia Circuit. United States District Court for the District of Columbia.

August 28, 2013