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SHORT BIOGRAPHY

Jeffrey Rosen is a professor of law at George Washington University, the legal affairs editor of *The New Republic*, and a nonresident Senior Fellow at the Brookings Institution, where he heads the Brookings Project on Technology and the Constitution. His most recent book, as co-editor, is *Constitution 3.0: Freedom and Technological Change*. He is also the author of *The Supreme Court: The Personalities and Rivalries that Defined America*, *The Most Democratic Branch*, *The Naked Crowd*, and *The Unwanted Gaze*, which *The New York Times* called “the definitive text in privacy perils in the digital age.” Rosen is a graduate of Harvard College, summa cum laude; Oxford University, where he was a Marshall Scholar; and Yale Law School. After law school, he clerked for Chief Judge Abner Mikva on the U.S. Court of Appeals for the D.C. Circuit. His essays and commentaries have appeared in the *New York Times Magazine*, *The Atlantic Monthly*, on National Public Radio, and in *The New Yorker*, where he has been a staff writer. A reviewer for the *L.A. Times* called him “the nation’s most widely read and influential legal commentator.” He lives in Washington, D.C. with his wife Christine Rosen and two sons.

EDUCATION

Yale Law School. J.D., 1991

Miller Prize for best paper on the Bill of Rights
Senior Editor, Yale Law Journal

Balliol College, Oxford. Marshall Scholar.

B.A. in Philosophy, Politics, and Economics, 1988

Harvard College. A.B. summa cum laude in English and Government, 1986

The Student Orator, Harvard's 350th Anniversary, September, 1986

The Harvard Orator, Class Day, June, 1986

Phi Beta Kappa, Junior Twelve, elected Spring, 1985

Hoopes Prize for Senior Thesis on Henry Adams

The Dalton School, New York City, 1982.

Valedictorian; National Merit Scholar

WORK EXPERIENCE

Professor, The George Washington University Law School
Associate Professor since 1997

Legal Affairs Editor, The New Republic, since 1992

Nonresident Senior Fellow, The Brookings Institution, since 2008

As head of the Brookings Project on Technology and the Constitution, helped to raise nearly \$1 million from foundations and private companies to support research on how technologies, from brain scans to new forms of surveillance, are challenging constitutional values, and how the Constitution, statutes, and laws, can respond to these challenges.

Moderator, The Aspen Institute, since 2000

Conduct seminars and moderate panels for the Aspen Socrates Institute, Society of Fellows and Ideas Festival on technology and the Constitution, privacy, free speech and democracy, balancing liberty and security, and religious freedom.

Advisory Board, The Electronic Privacy Information Center, since 2008

Constitutional Consultant, Law & Order, 2007-2010

Wrote memos for the writers of Law & Order about constitutional and legal issues raised by the draft storylines in the scripts.

Staff Writer, The New Yorker, 1997-99

Frequent contributor, The New York Times Magazine, The Atlantic Monthly, National Public Radio, 1997-present

Law Clerk, Chief Judge Abner J. Mikva, U.S. Court of Appeals,
D.C. Circuit, 1991-2

SELECTED BIBLIOGRAPHY

Books

Louis Brandeis: An Interpretative Biography (Under contract, Yale University Press)

Constitution 3.0: Freedom and Technological Change, co-editor, with Benjamin Wittes. (Brookings Press, 2011).

The Supreme Court: The Personalities and Rivalries that Defined America (Times Books, 2007)

The Most Democratic Branch: How the Courts Serve America (Oxford University Press, 2006)

The Naked Crowd: Reclaiming Security and Freedom in an Anxious Age (Random House, 2004)

The Unwanted Gaze: The Destruction of Privacy in America (Random House, 2000)

Book Chapters

“The Supreme Court and the Culture Wars” in *A Year at the Supreme Court*, David Douglas and Neal Devins, eds. (Duke University Press, 2004).

Rosen, J., dissenting in *What Roe v. Wade Should Have Said*, Jack Balkin, ed. (New York University Press, 2005).

“Political Questions and the Hazards of Pragmatism,” in *Bush v. Gore: The Question of Legitimacy*, Bruce Ackerman, ed. (Yale University Press, 2002).

“We Hardly Know it When we See it: Obscenity and the Problem of Unprotected Speech” in *Reason and Passion: Justice Brennan’s Enduring Influence* in E. Joshua Rosenkranz and Bernard Schwartz, eds. (Norton, 1997).

Law Review Articles

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9 J. on Telecomm. & High Tech. L. 345 (2011), 6480 words, INFORMATION PRIVACY: FREE SPEECH, PRIVACY, AND THE WEB THAT NEVER FORGETS, By Jeffrey Rosen

49 Santa Clara L. Rev. 929 (2009), KEYNOTE ADDRESS: SANTA CLARA LAW REVIEW SYMPOSIUM: BIG BUSINESS AND THE ROBERTS COURT

35 Pepp. L. Rev. 503 (2008). AN ENIGMATIC COURT? EXAMINING THE ROBERTS COURT AS IT BEGINS YEAR THREE: The Roberts Court & Executive Power

43 Tulsa L. Rev. 885 (2008). LEGAL SCHOLARSHIP SYMPOSIUM: THE SCHOLARSHIP OF CASS SUNSTEIN: SUNSTEIN AND BRANDEIS: THE MINIMALIST AND THE PROPHET

31 Harv. J.L. & Pub. Pol'y 937 (2008). SYMPOSIUM ESSAYS ON ORIGINALISM: I. ORIGINALISM AND PRAGMATISM: FALSE FRIENDS

47 Washburn L.J. 1 (2007). THE FOULSTON SIEFKIN LECTURE: The Supreme Court: Judicial Temperament and the Democratic Ideal

56 Syracuse L. Rev. 383 (2006). BRIDGING THE GREAT DIVIDE: A SYMPOSIUM ON THE STATE OF LEGAL JOURNALISM: FOREWORD

Opening Address, *Symposium on Security, Technology, and Individual Rights*, 2 GEORGETOWN J. OF LAW & PUB. POLICY 17 (2004).

Liberty and Security After 9/11, *The Georgetown Journal of Law and Public Policy*, Georgetown University Law Center, 2004.

The Philip D. Reed Lecture: I-Commerce: Tocqueville, The Internet, and the Legalized Self, 70 Fordham L. Rev. 1 (2001).

Privacy and Context: A Response, *Georgetown Law Journal's Symposium on The Unwanted Gaze*, *Georgetown Law Journal*, 89 *Georgetown L.J.* 2117 (2001).

Privacy in Public Places, 12 *Cardozo Studies in Law and Literature* 167 (2000).

Foreword, *The Michigan Law Review's 1999 Survey of Books Relating to the Law*, 97 *Mich. L. Rev.* 1323 (1999).

Textualism and the Civil War Amendments: Translating the Privileges or Immunities Clause, 66 *Geo. Wash. L. Rev.* 1241 (1998).

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Was the Flag Burning Amendment Unconstitutional? 100 Yale L.J. 1073 (1991).

The New York Times Magazine

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The New York Times, July 25, 2010 Sunday, Late Edition - Final, Section MM; Column 0; Magazine Desk; Pg. 30, 7054 words, The End of Forgetting. Cover story.

Prisoners of Parole, The New York Times, January 10, 2010, Magazine Desk; Pg. 36, 3056 words,

What's a Liberal Justice Now? The New York Times, May 26, 2009 Sunday. Magazine Desk.

Google's Gatekeepers, The New York Times, November 30, 2008 Sunday, Late Edition - Final, Section MM; Column 0; Magazine Desk; Pg. 50

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The Dissenter: A Profile of Justice John Paul Stevens. The New York Times, September 23, 2007. Cover Story

Conscience of a Conservative, the New York Times Magazine, September 9, 2007. Profile of Jack Goldsmith's A Terror Presidency

The Right To Spend, The New York Times, July 8, 2007 Sunday, Late Edition - Final, Section 6; Column 0; Magazine; The Way We Live Now; Pg. 11, 957 words

Whos Watching the F.B.I.?, The New York Times, April 15, 2007 Sunday, Late Edition - Final, Section 6; Column 3; Magazine; THE WAY WE LIVE NOW: 4-15-07; Pg. 13, 1009 words, By Jeffrey Rosen.

The Brain on the Stand, The New York Times, March 11, 2007 Sunday, Late Edition - Final, Section 6; Column 3; Magazine; Pg. 49, 7726 words, By Jeffrey Rosen. Cover story

School Colors. The New York Times, September 24, 2006 Sunday, Late Edition - Final, Section 6; Column 3; Magazine; THE WAY WE LIVE NOW: 9-24-06; Pg. 15, 993 words, By Jeffrey Rosen.

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The New York Times, June 3, 2001, Sunday, Late Edition - Final, Section 6; Page 32; Column 1; Magazine Desk, 5032 words, A Majority of One: The O'Connor Court. Cover Story.

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The New York Times, January 30, 2000, Sunday, Late Edition - Final, Section 6; Page 40; Column 1; Magazine Desk, 5012 words, Is Nothing Secular: How the Wall Between Church and State Collapsed.

The New York Times, October 5, 1997, Sunday, Late Edition - Final, Ruth Bader Ginsburg, Section 6; Page 60; Column 1; Magazine Desk, 7346 words, The New Look of Liberalism on the Court. Cover Story

The New York Times, June 1, 1997, Sunday, Late Edition - Final, Kenneth Starr, Section 6; Page 42; Column 1; Magazine Desk, 4517 words, Kenneth Starr, Trapped.

The New York Times Book Review

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Voices of Victims, The New York Times, August 10, 2008 Sunday, Late Edition - Final, Section BR; Column 0; Book Review Desk; Pg. 23, 957 words, By JEFFREY ROSEN

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Say What You Will, The New York Times, January 13, 2008 Sunday, Late Edition - Final, Section 7; Column 0; Book Review Desk; Pg. 1, 1239 words. Cover review of Anthony Lewis's Freedom for the Thought We Hate. By Jeffrey Rosen

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The New York Times Op Ed Page & Week In Review

The New York Times, September 13, 2011 Tuesday, Late Edition - Final, Section A; Column 0; Editorial Desk; OP-ED CONTRIBUTOR; Pg. 31, 906 words, Protect Our Right to Anonymity, By JEFFREY ROSEN. Jeffrey Rosen, a law professor at George Washington University, is an editor of the forthcoming book "Constitution 3.0: Freedom and Technological Change."

The New York Times, January 9, 2011 Sunday, Late Edition - Final, Section WK; Column 0; Week in Review Desk; Pg. 1, 1349 words, If Scalia Had His Way, By JEFFREY ROSEN

The New York Times, July 4, 2010 Sunday, Late Edition - Final, Section WK; Column 0; Editorial Desk; OP-ED CONTRIBUTOR; Pg. 8, 764 words, Brandeis's Seat, Kagan's Responsibility

The New York Times, September 13, 2009 Sunday, Late Edition - Final, Section WK; Column 0; Editorial Desk; OP-ED CONTRIBUTOR; Pg. 18, 1380 words, The Trial Of John Roberts.

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A Card-Carrying Civil Libertarian, The New York Times, March 1, 2008 Saturday, Late Edition - Final, Section A; Column 0; ; OP-ED CONTRIBUTOR; Pg. 17, 936 words, By JEFFREY ROSEN

Can a Law Change A Society?, The New York Times, July 1, 2007 Sunday, Late Edition - Final, Section 4; Column 0; Week in Review Desk; THE NATION; Pg. 1, 1347 words, By JEFFREY ROSEN.

Loyalty First?, The New York Times, April 19, 2007 Thursday, Late Edition - Final, Section A; Column 5; Editorial Desk; A Dozen Questions for Alberto Gonzales; Pg. 27, 244 words, By Jeffrey Rosen.

In Wartime, Who Has The Power?, The New York Times, March 4, 2007 Sunday, Late Edition - Final, Section 4; Column 1; Week in Review Desk; THE NATION; Pg. 1, 1242 words, By JEFFREY ROSEN.

A Terror Trial, with or Without Due Process, The New York Times, September 10, 2006, Sunday Section 4; Column 1; Week in Review Desk; IDEAS & TRENDS; pg. 14, 1172 words

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Supreme Court Loses.

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The Washington Post

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The New Yorker, October 20 & 27, 1997, The Social Police: Obeying the Law Because You'd Be Embarrassed Not To. The New Chicago School of Social Norms.

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Keynote speaker and Moderator, The Aspen Ideas Festival and Aspen Socrates Seminar, Aspen, CO, 2010

Panel on Media and the Law, 10th Circuit Judicial conference, Boulder, CO, 2010

Interviewed Justice Stephen Breyer, opening night New York Public Library, New York City, 2010

Interviewed Justice Breyer, Aspen Institute, Washington, D.C., 2010

Judicial Biography paper, New York University symposium for Barry Friedman, New York City, 2009

Address on “focused deterrence,” John Jay Symposium on Criminal Justice Reform, 2009

Keynote panel on precedent and originalism, The Federalist Society National Symposium, Philadelphia, PA, 2009

The Moral Aspect of Constitutional Law, keynote paper, symposium on Comparative Constitutionalism, University of Paris II Law Faculty, Paris, 2009

Keynote Address, the Roberts Court and Big Business, Santa Clara Law Review, January, 2009

Address, Privacy and the Talmud, American Institute of Talmudic Law, January, 2009

Keynote Address, Future of Privacy Forum, GW, February, 2009

Keynote Address Webwise Privacy Conference, February, 2009

Panelist, CATO forums on executive power, technology, and the New Deal

Tresolini Lecture, Lehigh University, Bethlehem, PA, March 2009

Conversation with Nicole Wong of Google, South by South West Festival, March, 2009

Moderator, GW conference on the Economic Crisis, April, 2009

Keynote Address, World Law Group, Washington, DC May, 2009

Conference on Neurolaw, London, May, 2009

Keynote Address, Legal Aid of Western Missouri, Kansas City, May, 2009

Lecture, Social Law Library, Boston, June, 2009

Keynote Address, Teachers Institute, Institute of the Federal Judiciary, June, 2009

Symposium on Judicial Temperament, Massachusetts Supreme Court and Appellate Court judges, June 2009

Keynote Address, Privacy Forum, Harvard, August, 2008

Panel and Interview of Justice Breyer, 10th Circuit Conference, August, 2008

Keynote Address, University of Utah Law School, October 2008

Symposium on Judicial Temperament, Washington State Judiciary, October 2008

Moderator, People for the American Way Panel on the Roberts Court, October 2008

Principal Paper, Judicial Review under the U.S.A. Patriot Act, AALS Conference, Atlanta, Georgia, January, 2004

Respondent, Privacy After 9/11, Panel at the American Bar Association Annual Meeting Sponsored by the Subcommittee on Privacy and Information Protection, Section of Individual Rights and Responsibilities, August, 2003.

Keynote Address, Privacy and The First Amendment, Oakland California, May, 2003.

Respondent, La Vie Privee, Public Lecture at the Cour de Cassation, Sponsored by the Institut Des Hautes Etudes Sur La Justice, Paris, April, 2003

Keynote Address, Liberty and Security After 9/11, The Georgetown Journal of Law and Public Policy, Georgetown University Law Center, May, 2003.

Principal Paper, “What Roe v. Wade Should Have Said,” Conference at Yale Law School, January, 2003.

Principal Paper, Privacy in France and America, Conference Sponsored by the Centre Français sur les États-Unis, Paris, December, 2002.

Respondent, Balancing Privacy and Security after 9/11, Conference Sponsored by the University of California at Hastings Law Journal, San Francisco, CA, November 2002.

Life After 9/11: 10th Circuit Judicial Conference Panel on Issues Affecting the Courts and the Nation, 51 Kan. L. Rev. 219 (2003).

Keynote Address, Privacy in the U.S. and Canada, Conference Sponsored by the Privacy Commissioner of Ontario, Canada, November, 2002

Respondent, The Future of Privacy, U.S. Court of Appeals for the D.C. Circuit, Annual Conference, June, 2002

Respondent: Privacy in Europe and America: A Comparative Perspective, Conference on the 50th Anniversary of the German Marshall Fund, June, 2002

Respondent, Conference on the Future of Internet Regulation, The Woodrow Wilson School, Princeton University, May, 2002

Keynote Address, The New Privacy, U.S. Court of Appeals for the Federal Circuit, Judicial Conference, May, 2002

The Mitau Lecture: The Supreme Court and American Democracy, Macalaster College, April, 2002

Respondent, Conference on Technological Innovation, University of Michigan Law School, March, 2001

Principal Paper, Drake University Conference on the Constitution and the Internet, February, 2001

Principal Paper, "Out of Context," The New School for Social Research, Conference on Privacy (2000).

Public Lecture, "The Future of the Supreme Court," The Institute of Politics, John F. Kennedy School of Government, Harvard University (2000).

Public Lecture, "Why Privacy Matters, Particularly in Cyberspace," Sponsored by the Knight Fellowship, Yale Law School (2000).

Respondent, Symposium on the Constitutional legacy of Clinton, Duke University Law School (2000).

Respondent, Symposium on Cyberspace and the Constitution, Stanford Law School (2000).

Respondent, Symposium on Clinton and the Constitution, University of Colorado at Boulder: Law School (1999).

Principal Paper, Symposium on Textualism and the Constitution, George Washington University Law School (1998).

Paper, Symposium on the American Jury, University of Chicago Legal Forum (1998).

Paper, Conference on Public Choice Theory and the Constitution, Northwestern University Law School (1997).

Paper, Conference and Race and the Constitution, Washington College of Law, American University (1996).

Paper, Conference on Religion and the Constitution, Cumberland Law School. (1996).

Congressional Testimony

Testimony before the House Judiciary Committee on the Citizens United campaign finance decision, March, 2010.

Testimony Before the House Government Reform Committee: Data Mining: Current Applications and Future Possibilities, March 25, 2003.

Testimony before the Senate Judiciary Committee: Carnivore, Electronic Surveillance, and the Fourth Amendment, September 6, 2000.

Testimony before the House Judiciary Committee Subcommittee on the Constitution: The Fourth Amendment and the Internet, April 6, 2000

Testimony before the House Judiciary Committee's Impeachment Inquiry, "The Consequences of Perjury and Related Crimes," December 1, 1998

Testimony before the House Small Business Committee, Hearing on Proposed Legislation to Repeal the 8(a) Small Business Set-Aside Program, September 18, 1996.