

# ORDE FÉLIX KITTRIE

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## EDUCATION

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**UNIVERSITY OF MICHIGAN LAW SCHOOL**, Ann Arbor, Michigan  
*Juris Doctorate, with honors* (1992)

**YALE UNIVERSITY**, New Haven, Connecticut  
*Bachelor of Arts in History* (1986)

## ACADEMIC AWARDS AND HONORS

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**Centennial Professor of the Year** (2006), Arizona State University  
(university-wide award, with \$10,000 prize, honors outstanding teaching inside and outside of the classroom)  
**Dr. Manuel Servin Faculty Award** (2006), Chicano Faculty/Staff Association of Arizona State University  
(annual award to one faculty member for exemplary mentorship, scholarship and service to Hispanic community)  
**Ford Foundation Post-Graduate Fellow** (1993) (funded research on peacekeeping in Egypt, Israel, and Syria)  
**Associate Editor of Michigan Law Review** (1990-2)  
**General Motors Scholar**, University of Michigan Law School (1991-2)

## ACADEMIC EXPERIENCE

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**Professor of Law, Sandra Day O'Connor College of Law, Arizona State University**  
(2004-)

Tenured professor of law (tenure granted May 2008). Courses taught at ASU in 2008-9 include Criminal Law, International Law, US-Mexico Business Transactions. During 2007-8, served as visiting associate professor of law at University of Maryland School of Law, where taught Criminal Law, International Negotiation & Conflict Resolution, and Crime in Maryland: Problems and Proposed Solutions. Courses taught at ASU in 2004-7 included Criminal Law (3 times); International Law (twice); Homeland Security Law; Law Reform & International Political and Economic Development.

**Visiting Scholar, Johns Hopkins University School of Advanced International Studies**  
(2008-)

## PROFESSIONAL EXPERIENCE

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**Director**

**International Anti-Crime Programs**

**U.S. Department of State**

(2003-4)

Director of 20-person unit, with \$15 million annual budget, responsible for formulating and implementing United States policies and programs for combating crime worldwide, including alien smuggling, corruption, money laundering, cybercrime, environmental crime, intellectual property piracy, and other crimes. Supervised all aspects of preparation of and expenditures from the annual budget, including grants and contracts for funding international and non-governmental organization provision of technical assistance, training programs, pilot projects, and international conferences. Chaired interagency meetings and served as head of delegation at international crime control forums and negotiations. Special

projects included: development of and award of grants and contracts relating to new \$40 million initiative to fight corruption in Iraq; new multimillion dollar initiative to combat intellectual property piracy overseas; and new regional initiative -- in partnership with OECD, World Bank and UNDP -- to promote anti-corruption efforts in Arab world.

## **PROFESSIONAL EXPERIENCE, cont.**

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### **Senior Attorney and Adviser to the**

#### **Under Secretary of State for Public Affairs and Public Diplomacy**

(2002-3)

Advised and counseled Under Secretary on strategy, oversight and implementation issues relating to: public affairs; educational and cultural affairs; and cross-cultural information programs. Special projects included development and implementation of strategy for outreach to Muslim world in wake of September 11; enhancement of student and other citizen exchange programs; creation of public/private partnership fund for recovery and restoration of looted and damaged Iraqi cultural property. Also was lead State Department attorney for intellectual property, First Amendment and media law issues.

### **Special Assistant to the**

#### **Under Secretary of State for Economic, Business & Agricultural Affairs**

(2000-2)

Advised and represented Under Secretary, and coordinated Department and interagency activity, on international economic issues relating to: South Asia; U.S.-Mexico border; intellectual property; customs; cybercrime; telecommunications; transportation. Frequent speechwriter and drafter of Congressional testimony for the Under Secretary.

- Coordinated the use of economic policy to support U.S. war aims in South Asia following 9/11/01 attacks, including: emergency support for Pakistan through grant, debt and textile trade assistance (joined Under Secretary in personally presenting package to Musharraf in Pakistan in October 2001). Also coordinated US-India economic dialogue reinvigoration and US-India investment dispute management.
- Assisted with planning for Afghan reconstruction.
- Organized conference in Amman which developed proposals for reform of Jordanian business law.
- Directed cross-sectoral e-business promotion initiative (encouraging coordinated foreign government reforms in sectors including telecom, customs, aviation, electronic payment, and delivery services).
- Played leading role in negotiation of Council of Europe Cybercrime Convention. Developed revisions to draft Convention which accommodated both U.S. law enforcement and private sector concerns.
- Chaired State Department working group which developed strategies for using internet to advance foreign policy goals.

### **Senior State Department Attorney for Nuclear Affairs**

(1997-2000)

Negotiated and drafted international agreements relating to nuclear non-proliferation. Assisted in drafting and implementation of U.S. statutes and regulations relating to nuclear non-proliferation sanctions.

- Negotiator with Russia of five different agreements designed to prevent terrorist/rogue state acquisition of former Soviet weapons material and expertise, including agreements on: acquisition and disposition of former Soviet weapons-grade uranium and plutonium, material protection and accounting, border security, and developing centers to employ former Soviet weapons scientists on peaceful projects
- Counsel for U.S. government's sanctions and other responses to the 1998 Indian and Pakistani nuclear tests
- Negotiator at United Nations of nuclear terrorism convention (designed to thwart terrorist acquisition, use or threat of use of nuclear material and ensure effective international cooperation in event of such acquisition)
- Negotiator at International Atomic Energy Agency in Vienna of nuclear safety convention
- Negotiator of agreement between U.S., Georgia and the United Kingdom which enabled emergency airlift of weapons-grade nuclear material from Tbilisi to Scotland

## **PROFESSIONAL EXPERIENCE, cont.**

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### **State Department Attorney-Adviser for Arms & Dual-Use Trade Controls**

(1993-6)

Drafted laws and regulations, assisted with prosecutions, and participated in negotiations with U.S. Congress, federal agencies, and foreign countries regarding sanctions and other trade controls on conventional arms and dual-use items.

- Principal drafter of U.N. Security Council resolutions, U.S. Executive Orders, and U.S. regulations imposing and implementing U.N. and U.S. arms embargoes on terrorism-supporting, human-rights-violating, warring and other proscribed regimes (e.g., Sudan, Rwanda, Tienanmen sanctions against China )
- Drafted regulations expanding the reach of U.S. export control regulations to for the first time include “brokering” (e.g., facilitation by U.S. citizens of transactions occurring entirely outside of the United States)
- Assisted the following countries with development of export/border control laws and enforcement mechanisms designed to curb rampant weapons smuggling after the fall of Communism: Armenia, Bulgaria, Georgia, Kazakhstan, Romania, Russia, Uzbekistan. Did so through training presentations to their officials, analysis of draft legislation and in-person assessment of enforcement mechanisms.
- Assisted the Department of Justice/United States Attorneys with prosecutions of companies and individuals accused of violating export control laws and Foreign Corrupt Practices Act violations in the arms trade
- Worked with the Department of Justice to defend the State Department against several lawsuits challenging U.S. encryption export controls and an embargo on arms imports from China

### **Communications Director & Legislative Assistant to Congresswoman Connie Morella**

(1987-8)

Directed all media relations/public information programs for, and served as legislative assistant to, United States Representative Constance A. Morella (Md.).

- Drafted speeches, press releases, weekly radio show; organized media events; answered press inquiries
- Researched and assessed pending legislation; developed, and built support for, new bills
- Legislative areas of responsibility included Foreign Affairs; Defense; Immigration; Transportation; Judiciary; Trade; Committee on Science, Space, & Technology.

## **PUBLICATIONS**

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### **Articles in Academic Journals**

*Averting Catastrophe: Why the Nuclear Nonproliferation Treaty is Losing its Deterrence Capacity and How to Restore It*, 28 MICH. J. INT’L L. 337-430(2007). Available at <http://ssrn.com/abstract=996953>.

*Emboldened By Impunity: The History and Consequences of Failure to Enforce Iranian Violations of International Law*, 57 SYRACUSE L. REV. 519-549 (2007)(part of symposium issue entitled "A Nuclear Iran: The Legal Implications of a Preemptive National Security Strategy"). Available at <http://ssrn.com/abstract=991043>.

*Federalism, Deportation and Crime Victims Afraid to Call the Police*, 91 IOWA L. REV. 1449-1508 (2006). Available at <http://ssrn.com/abstract=926766>.

*More Process Than Peace: Legitimacy, Compliance, and the Oslo Accords*, 101 MICH. L. REV. 1661-1714 (2003). Available at <http://ssrn.com/abstract=997485>.

### **Book Chapters**

*Progress in Enforcing International Law Against Rogue States?: Comparing the 1930s with the Current Age of Nuclear Proliferation*, in PROGRESS IN INTERNATIONAL ORGANIZATION (Rebecca Bratspies & Russell Miller eds., Martinus Nijhoff, forthcoming spring 2008) (other chapter authors include Barry Carter, Leila Sadat, Steve McCaffrey, Jordan Paust). Available at <http://ssrn.com/abstract=996963>.

### **Book Chapters, cont.**

*Legal Obstacles and Opportunities*, in STRENGTHENING US-RUSSIAN COOPERATION ON NUCLEAR NONPROLIFERATION (National Academy of Sciences & Russian Academy of Science, 2005). Available at <http://www.nap.edu/catalog/11302.html>.

### **Selected Other Publications**

*United Nations Relief and Works Agency for Palestine Refugees in the Near East*, in MAX PLANCK ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW (Oxford University Press, forthcoming 2008).

*Enforcement and the Future of the Nuclear Nonproliferation Regime*, article based on participation in panel entitled *How Can the Nuclear Nonproliferation Regime be Repaired? What if it Can't?* at ASIL annual meeting in March 2007, published in ASIL PROCEEDINGS.

*A War Crime at Qana?*, WALL STREET J. , Aug. 5, 2006, at A11. Online version available at <http://www.opinionjournal.com/extra/?id=110008756>.

Orde Kittrie, James M. Lindsay, and Walter Russell Mead, *International Challenges Facing the Next Administration*, Foreign Affairs (Japanese language edition) (Nov. 2004).

## **SELECTED PRESENTATIONS**

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Testimony, D.C. City Council Committee on Finance and Revenue, hearing on "Prohibition of the Investment of Public Funds in Certain Companies Doing Business With the Government of Iran Act of 2008," October 2008.

Speech on "Legal Authorities for Cooperative Nonproliferation Programs," Georgetown University Institute for International Law and Politics, October 2008.

Luncheon speaker, "Innovative Legal Mechanisms for Promoting Nonproliferation," Georgetown University, September 2008.

Speech on "Lawfare and Arms Control," United States Air Force Academy, August 2008.

Panelist presentation, "Arizona's New Employer Sanctions Law," as part of panel entitled "The New Immigration Cops: How New State and Local Laws Challenge the Status Quo," American Bar Association Annual Meeting, August 2008.

Speech before foreign policy staff of the U.S. House of Representatives, organized by U.S. House Committee on Foreign Affairs staff, on topic of "Europe, Iran and Sanctions," August 2008.

Testimony, U.S. House of Representatives Committee on Foreign Affairs, Nonproliferation and Terrorism Subcommittee, hearing entitled "Saving the NPT and the Nonproliferation Regime in an Era of Nuclear Renaissance," July 2008. Testimony available on Committee website at <http://foreignaffairs.house.gov/110/kit072408.pdf>.

Testimony, United States Senate Committee on Finance, hearing regarding S. 970, the Iran Counterproliferation Act of 2007, April 2008. Testimony available on Committee website at <http://finance.senate.gov/hearings/testimony/2008test/040808oktest.pdf>.

## **SELECTED PRESENTATIONS, cont.**

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Speaker, "Legal Aspects of Proposals for a Multilateral Nuclear Arrangement as Solution to the Iran Nuclear Dispute," at Vienna, Austria symposium on Prospects of Multilateral Nuclear Arrangements in Reinforcing the Nuclear Nonproliferation Regime, organized by the Stockholm International Peace Research Institute and the Carnegie Moscow Center, and including participation by officials from the U.S., Russia, Iran, Sweden, Egypt, Syria, China and the International Atomic Energy Agency, March 2008.

Testimony, Maryland House of Delegates Appropriations Committee, on House Bill 371 (pension divestment from Iran), March 2008.

Panelist, "Trade Sanctions in a 21<sup>st</sup> Century Economy: Are They an Appropriate or Effective Means of Altering State Behavior?," University of Pennsylvania Journal of International Law 2008 Symposium, February 2008.

Testimony, Maryland State Senate Budget & Taxation Committee, on Senate Bill 214 (divestiture from Iran), February 2008.

Panelist, *Immigration Federalism*, Annual Meeting of Assoc. of American Law Schools, NY, January 2008

Moderator and Panelist, *Sanctions, Nonproliferation and the Future of International Law*, 2007 International Law Weekend of American Branch of International Law Assoc., NY, October 2007

Panelist, *Criminalizing Immigration: The Intersections of Criminal Justice and Immigration*, Northeast People of Color Legal Scholarship Conference 2007, North Dartmouth, Massachusetts, September 2007

Panelist, *Southwest Border Crime: Understanding the Issues*, U.S. Dept. of Homeland Security, Washington, DC, July 2007

Moderator and Panelist, *How Can the Nuclear Nonproliferation Regime be Repaired? What if it Can't?*, American Society of International Law Annual Meeting, Washington, DC, March 2007

Organizer and Moderator, *Practicing Transnational Law in Arizona*, ASU College of Law, October 2006 (panel included general counsel of Petsmart, associate general counsel for international affairs of Coldstone Creamery, head of Squire Sanders international dispute resolution practice, immigration attorney)

Panelist, *Petro-Security in the Post-9/11 World*, Emerging Issues in National and International Security 2006 Conference of the National Security and Law Society, American University Law School, Washington, DC, March 2006 (co-panelist was former CIA Director James Woolsey)

Moderator, Town Hall with Latin American UN Ambassadors, ASU, November 2005 (event featured students, faculty, staff engaging with UN ambassadors from Bolivia, Guatemala, Nicaragua, and Suriname)

Moderator and Panelist, *Civil Rights in Wartime*, Arizona State Bar Association Annual Convention, June 2005 (co-panelists included Arizona Supreme Court Justice Hurwitz and Professor Geoffrey Stone)

Organizer and Moderator, *Legal Careers Working with Latin America and the Latino Community*, ASU College of Law, November 2004 (co-sponsored by Chicano/Latino Law Students Association)

## **ACADEMIC SERVICE**

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Current: Chair, Hispanic Law Program, ASU law school; Member, DC Program Committee, ASU law school; Faculty Advisory Committee, ASU Center for Study of Religion & Conflict; Faculty

Adviser, ASU Chicano/Latino Law Students Association.

## **NATIONAL AND COMMUNITY LEADERSHIP**

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Member, National Academies of Science commission to issue report, in time for next administration, on options for strengthening and expanding cooperative threat reduction programs (one of twelve members of this Commission created by Congress in National Defense Authorization Act for Fiscal Year 2008))(2008-)

Council on Foreign Relations (life member)

Chair, Nonproliferation, Arms Control & Disarmament Interest Group, American Society of International Law (2008-)

Chair, Nonproliferation, Arms Control & Disarmament Committee, American Branch of International Law Association (2007-)

Executive Committee, American National Section, L'Association Internationale de Droit Pénal (International Association of Penal Law) (2007-)

Affiliate, Project on Middle East Strategy, Harvard University (2007-8)

President, Hispanic National Bar Association Southwest Region (Arizona and Nevada)(2006)

Board Member, Los Abogados (Latino attorney association of Phoenix) (2005-7)

Board Member, Phoenix Committee on Foreign Relations (2005-)

Executive Committee, Human Rights Interest Group, American Society of International Law (2005-6)

Member, National Academy of Sciences/Russian Academy of Sciences Joint Committee on Strengthening US-Russian Cooperation on Nuclear Nonproliferation (one of six U.S. members) (2005)

Board of Directors, Hispanic Bar Association of Washington, D.C. (2003-5)

International Committee of Northern Virginia Technology Council (2000-4)

Secretary, University of Michigan Hispanic Law Students Association (1991-2)

## **MEDIA**

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Have written op-eds for *Wall Street Journal* and *Arizona Republic* newspapers; have been profiled by the *Arizona Republic* and *La Voz* (Phoenix-area Spanish-language newspaper); have served as an on-air commentator for Fox News network, KAET-TV (public television), KNXV-TV (ABC affiliate), KSAZ-TV (Fox affiliate), KTVW-TV (Univision affiliate), KPNX-TV (NBC affiliate), WBFF-TV, KTAR Radio, KKNT Radio, KPHX Radio, and WMAL Radio.

## **OVERSEAS EXPERIENCE**

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Extended periods spent in United Kingdom, Mexico, and Israel. Traveled in Austria, Bulgaria, Canada, Cyprus, the Czech Republic, Egypt, France, Guatemala, India, Iraq, Ireland, Japan, Jordan, Kazakhstan, Kuwait, Pakistan, Poland, Romania, Russia, the Soviet Union, Spain, Syria, Ukraine, and Uzbekistan.

## **SECURITY CLEARANCES**

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Held Department of State: Top Secret (SCI); Department of Energy: Q

## **FOREIGN LANGUAGE**

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Spanish (fluent speaking and reading)

## **BAR ADMISSIONS**

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Maryland (1993); District of Columbia (1995)

