

# DAVID H. MOORE

Sterling and Eleanor Colton Endowed Chair in Law  
Associate Director, International Center for Law and Religion Studies  
J. Reuben Clark Law School, Brigham Young University  
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## PROFESSIONAL EXPERIENCE

Brigham Young University, J. Reuben Clark Law School (July 2008 to Present)

*Sterling and Eleanor Colton Endowed Chair in Law*

*Expertise:* International law, international human rights (including freedom of religion or belief), foreign relations law, international development and humanitarian assistance, civil procedure

*Honors:* BYU Law School Alumni Association Teacher of the Year (2015), R. Wayne Hansen University Teaching and Learning Fellowship (2011), Student Bar Association 1L Professor of the Year (2011), Association of American Law Schools BYU Teacher of the Year (2011)

*Selected Leadership:* Associate Director, International Center for Law and Religion Studies (2019 to Present); Associate Dean of Research and Academic Affairs (2016 to 2017); Chair, Curriculum Committee (2015 to 2016); Chair, Rank & Status Committee (2013 to 2015); Chair, Appointments Committee (2010 to 2013); University Curriculum Committee (2015 to 2016)

Moscow Mechanism, Organization for Security and Cooperation in Europe (2020 to Present)

*Expert*

Human Rights Committee, United Nations (September 2020 to December 2020)

*Member*

U.S. Agency for International Development (June 2017 to June 2019)

*Acting Deputy Administrator* (April 2018 to January 2019)

*Responsibilities:* Serve as second-in-charge, senior level diplomat, and chief operations officer of the leading government development and humanitarian assistance agency with approximately 10,000 employees worldwide, annual appropriations of roughly \$20 billion, and operations in more than 100 countries; represent USAID in multilateral (e.g., UN, G-7, World Bank, OECD) and bilateral fora and negotiations; represent USAID at National Security Council Deputies' Meetings; engage with leaders of for- and non-profit implementing partners; supervise Agency's senior political, foreign service and civil service leaders.

*General Counsel* (June 2017 to April 2018, January 2019 to June 2019)

*Responsibilities:* Lead more than 100 attorneys located in Washington, DC, and around the world in providing legal and policy advice to senior leaders on matters of international and domestic law.

George Washington University Law School (August 2008 to August 2009)

*Visiting Professor of Law*

U.S. Supreme Court (July 2007 to July 2008)

*Law Clerk to Associate Justice Samuel A. Alito, Jr.*

University of Kentucky College of Law (June 2003 to July 2007)

*Assistant and Associate Professor of Law; Associated Faculty Member of the Patterson School of Diplomacy and International Commerce*

*Selected Leadership:* Accreditation Self-Study Committee; Chair, Recruitment Committee; Academic Status Committee; Honor Council Member

University of Chicago Law School (September 2001 to August 2003)

*John M. Olin Fellow in Law*

U.S. Court of Appeals for the Third Circuit (August 2000 to August 2001)

*Law Clerk to Judge Samuel A. Alito, Jr.*

U.S. Department of Justice, Civil Division, Federal Programs Branch (October 1996 to August 2000)

*Trial Attorney*

*Honors:* Attorney General's Honor Program; Civil Division Special Commendation Award

## **EDUCATION**

J. Reuben Clark Law School, Brigham Young University J.D., 1996

- Class Rank: 1 of 156, *Summa Cum Laude*, Order of the Coif
- Editor-in-Chief, *Brigham Young University Law Review*
- Steven L. Richards Scholar (3 years, full tuition and stipend)
- Research & Writing Assistant to University Pres. and Former Solicitor General Rex Lee
- J. Reuben Clark Faculty Award for Exemplifying Academic Excellence, Integrity, High Ethical Standards, and Service

Brigham Young University B.A., 1992

- GPA: 4.0, Class Rank: 1 of 5,222
- Co-Valedictorian of College, *Summa Cum Laude*, University Honors
- Political Science Major, English Minor
- Ezra Taft Benson Scholar (4 years, full tuition and stipend)
- Model United Nations
- Two Year Leave to Serve a Mission for The Church of Jesus Christ of Latter-day Saints in Paraguay

## PUBLICATIONS

- The Missing D in U.S. Foreign Relations Law*, 109 GEO. L.J. (forthcoming)
- What if Pennoyer Was Right?*, 95 TEX. L. REV. SEE ALSO 124 (2017)
- United States Courts and Imperialism*, 73 WASH. & LEE L. REV. ONLINE 338 (2016)
- Constitutional Commitment to International Law Compliance?*, 102 VA. L. REV. 367 (2016)
- Taking Cues from Congress: Congressional Authorization, Judicial Review, and the Expansion of Presidential Power*, 90 NOTRE DAME L. REV. 1019 (2015)
- Treaties and the Presumption Against Preemption*, 2015 B.Y.U. L. REV. 1555 (2015)  
(symposium)
- Beyond One Voice*, 98 MINN. L. REV. 953 (2014)
- Kiobel and the New Battle Over Congressional Intent*, in *Agora: Reflections on Kiobel*, AJIL UNBOUND (2014)
- The President's Unconstitutional Treaty-making*, 59 U.C.L.A. L. REV. 599 (2012)
- Do U.S. Courts Discriminate Against Treaties?: Equivalence, Duality, and Non-Self-Execution*, 110 COLUM. L. REV. 2228 (2010)
- Medellín, the Alien Tort Statute, and the Domestic Status of International Law*, 50 VA. J. INT'L L. 485 (2010)
- Law(makers) of the Land: The Doctrine of Treaty Non-Self-Execution*, 122 HARV. L. REV. F. 32 (2009)
- Sosa, Customary International Law, and the Continuing Relevance of Erie*, 120 HARV. L. REV. 869 (2007) (with Curtis A. Bradley & Jack L. Goldsmith)
- Setting the Record Straight: Sosa v. Alvarez-Machain and the Debate over Customary International Law*, in *OUTSOURCING AMERICAN LAW* (2007)
- Accommodating Concerns for International Law and Proper Governance*, 101 AM. SOC'Y INT'L L. PROC. 264 (2007)
- An Emerging Uniformity for International Law*, 75 GEO. WASH. L. REV. 1 (2006)
- Agency Costs in International Human Rights*, 42 COLUM. J. TRANSNAT'L L. 491 (2004)

*A Signaling Theory of Human Rights Compliance*, 97 NW. U. L. REV. 879 (2003)

Comment, *Religious Freedom and Doctrines of Reluctance in Post-Charter Canada*, 1996 B.Y.U. L. REV. 1087 (1996)

Note, *The Parol Evidence Rule and the United Nations Convention on Contracts for the International Sale of Goods: Justifying Beijing Metals & Minerals Import/Export Corp. v. American Business Center, Inc.*, 1995 B.Y.U. L. REV. 1347 (A version of this note was also published at 3 INT'L TRADE & BUS. L. ANN. 57)

## PRESENTATIONS

Panelist, “Regulating Abuses by Religious Actors: An International Human Rights Perspective,” Law and Religious Communities in Africa Conference, Durban, South Africa (January 2020)

Presenter, “The Missing D in U.S. Foreign Relations Law,” American Society of International Law, International Law in Domestic Courts Annual Workshop, Lewis and Clark Law School (December 2019)

Panelist, “Reflexiones Sobre el Aporte de la Religión a la Sociedad y su Impacto en la Promoción de la Dignidad Humana,” Caribbean Law and Religion Symposium, Santo Domingo, Dominican Republic (November 2019)

Presenter, “El Papel de la Religión y las Organizaciones Religiosas en la Ayuda Humanitaria,” Central American Religious Liberty Symposium, “Libertad Religiosa, Ayuda Humanitaria y Dignidad Humana,” Panama City, Panama (October 2019)

Presenter, “Los Beneficios de la Religión a la Sociedad Internacional, Nacional y Familiar,” Conference in the Legislative Assembly of Costa Rica, “Libertad de Creencias y Derechos Humanos de Costa Rica,” San José, Costa Rica (October 2019)

Presenter, “La Religión, el Estado y el Desarrollo Internacional,” 19<sup>th</sup> Annual Colloquium of the Latin American Religious Liberty Consortium, “Participación Política y Libertad Religiosa,” Bogotá, Colombia (October 2019)

Panelist, “Ideas to Action,” G20 Interfaith Forum, “Peace, People, Planet: Pathways Forward,” Tokyo, Japan (June 2019)

Panelist, “Federalism Strikes Back,” American Society of International Law Annual Meeting, Washington, DC (March 2019)

Panelist, “USAID, Faith-Based Organizations and the Environment,” African Consortium for Law and Religion Studies Annual Conference, “Law, Religion and Environment in Africa,” Gaborone, Botswana (May 2019)

Presenter, “Effectiveness of International Law: An American Perspective,” University of Indonesia Law School (November 2017)

Presenter, “Legal Advocacy and the Rule of Law,” American Center, Yangon, Myanmar (November 2017)

Commentator, Lee J. Strang, “The Original Meaning of ‘Religion’ in the First Amendment: A Test Case for Originalism’s Utilization of Corpus Linguistics,” Law and Corpus Linguistics Symposium, Brigham Young University Law School (February 2017)

Commentator, Ryan M. Scoville, “Ad Hoc Diplomats,” J. Reuben Clark Law Society Faculty Conference, San Francisco, CA (January 2017)

Presenter, “Religion, Secularism, and Development,” International Consortium for Law and Religion Studies Conference on Freedom of/for/from/within Religion: Differing Dimensions of a Common Right?, St. Hugh’s College, Oxford (September 2016)

Presenter, “Religion and Development,” Chinese Academy of Social Sciences Forum on Dialogue Among Civilizations and Community of Common Destiny for All Mankind, Beijing, China (August 2016)

Panelist, “Presidential Power to Implement Treaties,” International Law Association, American Branch, International Law Weekend-West, Brigham Young University Law School (January 2016)

Commentator, Harlan G. Cohen, “A Pluralist Political Question Doctrine,” American Society of International Law, International Law in Domestic Courts Workshop, University of Michigan Law School (December 2015)

Moderator, “Religion, Environment and Sustainable Development,” G20 Interfaith Summit, Istanbul, Turkey (November 2015)

Moderator, “International Organizations,” Religion, Law and Social Stability Symposium, Brigham Young University Law School (October 2015)

Panelist, “The Expansion of Presidential War Powers,” Center for Constitutional Studies Conference on Executive Power, Utah Valley University (September 2015)

Guest Blogger, “A Presumption Against Authorization in the Iran Nuclear Agreement Review Act,” *Opinio Juris* Blog (September 2015)

Presenter, “Constitutional Discretion to Violate International Law,” Midwest Political Science Association Annual Meeting, Chicago, IL (April 2015)

Moderator, “Foreign Relations Law in the Roberts Court: The First Decade,” American Society

of International Law Annual Meeting, Washington, DC (April 2015)

Presenter, "National Discretion to Violate International Law," Human Rights Colloquium, Georgetown University Law Center (March 2015)

Presenter, "Constitutional Discretion to Violate International Law," Sixth Annual Hugh and Hazel Darling Foundation Originalism Works-in-Progress Conference, University of San Diego Law School (February 2015)

Presenter, "Treaties and the Presumption Against Preemption," Brigham Young University Law Review Symposium, "Treaty Law and the Restatement (Fourth) of the Foreign Relations Law of the United States" (January 2015)

Commentator, Peter B. "Bo" Rutledge, "Bauman's Legacy," Transnational Litigation Workshop, Pepperdine Law School (October 2014)

Moderator, "International Protection of Religious Autonomy and Accommodation of Religion in the Workplace," Brigham Young University Law School International Center for Law and Religion Studies CLE Conference, "Religious Freedom in a Secular World" (July 2014)

Presenter, "Taking Cues from Congress: Judicial Review, Congressional Authorization, and the Expansion of Presidential Power," American Society of International Law, International Law in Domestic Courts Interest Group Video Workshop (June 2014)

Presenter, "Taking Cues from Congress: Judicial Review, Congressional Authorization, and the Expansion of Presidential Power," University of Kentucky College of Law Faculty Works-in-Progress Series (February 2014)

Commentator, Online Symposium Reviewing Curtis A. Bradley, International Law in the U.S. Legal System, Opinio Juris Blog (March 2013)

Commentator, "Federalism/Discretion Panel," 2013 Brigham Young University Law Review Symposium, "Discretion and Deference: Immigrants, Citizens, and the Law" (January 2013)

Presenter, "Dismantling the One Voice Doctrine," American Society of International Law, International Law in Domestic Courts Annual Workshop, Duke Law School (December 2012)

Presenter, "Dismantling the One Voice Doctrine," Wake Forest Law School, Faculty Works-in-Progress Series (October 2012)

Participant, Roundtable on Professor Curtis Bradley's Book Manuscript, "International Law in the U.S. Legal System," Duke Law School (March 2012)

Commentator, Anthony J. Bellia Jr. & Bradford R. Clark, “The Alien Tort Statute and the Law of Nations,” American Society of International Law, International Law in Domestic Courts Annual Workshop, University of Virginia School of Law (December 2010)

Presenter, “Israel and Universal Jurisdiction,” Israel and International Law Conference, Northwestern University Law School (April 2010)

Presenter, Online Workshop, “*Medellin*, the Alien Tort Statute, and the Domestic Status of International Law,” *Opinio Juris* Blog (February 2010)

Moderator, “Is Freedom of Religion Redundant?” Connecting Communities of Discourse Symposium, Brigham Young University Law School (October 2009)

Panelist, “Alien Tort Claims Act Litigation,” Sokol Colloquium, University of Virginia School of Law (April 2009)

Moderator, European Union Roundtable, “Civil Religion in the United States and Europe: Four Comparative Perspectives,” Brigham Young University Law School (March 2009)

Moderator, State, Religion and Law in and Beyond Southeast Asia Conference, New Delhi, India (February 2008)

Panelist, “Customary International Law as Federal Law after *Sosa v. Alvarez-Machain*,” American Society of International Law Annual Meeting, Washington, DC (March 2007)

Student-Selected Keynote Speaker, Patterson School of Diplomacy and International Commerce Graduation Ceremony, University of Kentucky (December 2006)

Moderator, Central American Session, The 1981 U.N. Declaration on Religious Tolerance and Non-Discrimination: Implementing its Principles After Twenty-five Years Symposium, Brigham Young University Law School (October 2006)

Presenter, Online Workshop, “*Sosa*, Customary International Law, and the Continuing Relevance of *Erie*,” *Opinio Juris* Blog (September 2006)

Panelist, “Looking Abroad for Law? Customary International Law and the Alien Tort Statute,” Outsourcing of American Law Conference, American Enterprise Institute, Washington, DC (February 2006) (Panel broadcast on C-Span)

Presenter, “A Signaling Theory of Human Rights Compliance,” Faculty Brown Bag, Brigham Young University Law School (January 2003)

Presenter, “Religious Diversity and Social Order,” Minority Religions, Social Change, and Freedom of Conscience Conference, Center for Studies on New Religions, University of Utah and Brigham Young University (June 2002)

Moderator, South American Session, Implementing the 1981 U.N. Declaration on Religious Tolerance and Non-Discrimination Symposium, Brigham Young University Law School (October 2001) (Session conducted in Spanish)

## **LANGUAGE SKILLS**

Speak, read, and write Spanish (moderate fluency)

## **AFFILIATIONS**

American Law Institute

American Society of International Law

- Executive Council Member (2020 to Present)
- Co-Chair of International Law in Domestic Courts Interest Group (2013 to 2016)
- 2014 Program Committee for the Joint American Society of International Law Annual Meeting and International Law Association Biennial Conference

American Bar Association

Utah State Bar

- Utah Supreme Court Advisory Committee on the Rules of Civil Procedure (2010 to 2014)