

## **WAYNE McCORMACK**

E.W. Thode Professor of Law  
University of Utah  
332 So. 1400 East  
Salt Lake City, UT 84112  
801-581-8494

### **EDUCATION**

1966 B.A. Stanford University  
1969 J.D. University of Texas

### **EMPLOYMENT**

1969-70 Law Clerk to Hon. Walter Ely, United States Court of Appeals, 9th Circuit  
1970-71 Instructor and Bigelow Fellow, University of Chicago School of Law  
1971-74 Assistant Professor, University of Georgia School of Law  
1974-75 Associate Professor, University of Georgia School of Law  
1975-78 Associate Director, Association of American Law Schools  
1978- Professor, University of Utah College of Law  
Associate Dean 1978-82, 1984-87, 1993-94  
Subjects: Constitutional Law, Civil Procedure, Law of Terrorism, Torts,  
International Criminal Law  
1997-2002 Director of Olympic Coordination, University of Utah

### **PUBLICATIONS**

#### **Books & Monographs**

UNDERSTANDING THE LAW OF TERRORISM (Lexis/Nexis 2008, 2d ed. forthcoming 2013 with Erik Luna)

LEGAL RESPONSES TO TERRORISM (Lexis/Nexis 2005, 2d ed. 2008, 3d ed. forthcoming 2013 with Erik Luna)

CONSTITUTIONAL LAW: PRINCIPLES AND POLICY (with Barron, Dienes, Redish) (3d ed. 1987, 4th ed. 1992, 5th ed. 1996, 6th ed. 2002, 7th ed. 2006, 8th ed. 2012) (with annual supplements)

VALUES AND VIOLENCE: INTANGIBLE ASPECTS OF TERRORISM (Springer 2008) (principal editor and author of Introduction)

FEDERAL COURTS (Matthew Bender 1984)

THE BAKKE DECISION: IMPLICATIONS FOR HIGHER EDUCATION ADMISSIONS (ACE and AALS 1978)

#### **Book Chapters**

*Models of War and Crime in Confronting Organized Violence*, in INTERNATIONAL PROSECUTORIAL DISCRETION (Oxford University Press 2012)

*Judicial Independence and Violence*, in CULTURE OF JUDICIAL INDEPENDENCE: CONCEPTUAL FOUNDATIONS 169-176 (Martinus Nijhoff Brill 2011)

*The Rights of Aliens: Legal Regimes and Historical Perspectives*, with Tony Anghie, in MIGRATION IN THE 21ST CENTURY (Routledge 2010)

*Value Choices in the Struggle with Terrorism*, in VALUES AND VIOLENCE: INTANGIBLE ASPECTS OF TERRORISM 257-277 (Springer 2008)

## Articles

*Judicial Independence in Times of Crisis: Introduction*, 2011 UTAH L. REV. 1-8 (2011)

*Targeted Killing at a Distance: Robotics and Self-Defense*, MCGEORGE GLOBE LAW JOURNAL (2011)

*Detention of Mega-Terrorists – It's About Crime*, 29 CRIMINAL JUSTICE ETHICS 82 (2011)

*War on the Rule of Law*, published as “Answers to Ten Questions for the National Security Law Forum,” 36 WM. MITCHELL L. REV. 5095-5115 (2010)

*Defining Terrorism: Perfection as Enemy of the Possible*, International Assessment and Strategy Center, [http://www.strategycenter.net/research/pubID.141/pub\\_detail.asp](http://www.strategycenter.net/research/pubID.141/pub_detail.asp) (Jan. 17, 2007) (with Jeff Breinholt)

*Inchoate Terrorism: Liberalism Meets Fundamentalism*, 37 GEO. J. INT’L L. 1 (2005)

*Emergency Powers and Terrorism*, 185 MILITARY L. REV. 69 (2005)

*Lochner, Liberty, Property and Human Rights*, 1 N.Y.U.J. LAW & LIBERTY 432 (2005)

*Military Detentions and the Judiciary: al-Qaida, the KKK, and Supra-State Law*, 5 SAN DIEGO J. INT’L LAW 7 (2004)

*Patriot, Privacy and Politics*, HOUSTON LAWYER (Jan/Feb 2004)

*Property and Liberty -- Institutional Competence and the Functions of Rights*, 51 WASH. & LEE L. REV. 1 (1994)

*The Political Question Doctrine – Jurisprudentially*, 70 U. DET. L. REV. 793 (1993)

*Economic Substantive Due Process and the Right of Livelihood*, 82 KY. L.J. 397 (1993)

*Subsidies for Expression and the Future of Free Exercise*, 1993 B.Y.U.L. REV. 327

*The Justiciability Myth*, 14 HAST. CON. L.Q. 201 (1987)

*Land Use Planning and Management of State School Lands*, 1983 UTAH L. REV. 525

*Regulatory Problems in the Modern University Setting*, 1980 UTAH L. REV. 461

*Race and Politics in the Supreme Court: Bakke to Basics*, 1979 UTAH L. REV. 491

*Immunities of State Officials Under Section 1983*, 8 RUT.-CAM. L. REV. 63 (1976) (with Kirkpatrick)

*Expansion of Federal Question Jurisdiction and the Prisoner Complaint Caseload*, 1975 WIS. L. REV. 523

*Developments in the Availability of Federal Remedies Against State Activities*, 16 WM. & MARY L. REV. 1 (1974)

*The Purpose of Due Process: Fair Hearing or Vehicle for Judicial Review?*, 52 TEXAS L. REV. 1257 (1974)

*Federalism and Section 1983: Limitations Upon Judicial Enforcement of Constitutional Protections*

Part I, 60 VA. L. REV. 1 (1974)

Part II, 60 VA. L. REV. 250 (1974)

*Intergovernmental Immunities and the Eleventh Amendment*, 51 N. CAR. L. REV. 485 (1973)

*Federal Court Intervention in Military Courts -- Interrelationship of Defenses and Comity*, 6 GA. L. REV. 532 (1972)

*Justiciability of Legal Objections to the American Military Effort in Vietnam*, 46 TEXAS L. REV. 1033 (1968) (with Schwartz)

### **Op-Eds & Blogs**

*'Armed conflict' and war (re targeted killings)*,

<http://www.sltrib.com/sltrib/opinion/55817445-82/armed-conflict-war-law.html.csp>  
(2/16/13)

*Judicial Review of Targeted Killing: A Bad Idea by a Good Person*,

<http://jurist.org/forum/2013/03/wayne-mccormack-targeted-killing.php> (3/21/13)

*Presidents, constitutions, and economic systems*,

<http://archive.sltrib.com/article.php?id=20351349&itype=storyID> (3/31/12)

*Prosecuting Terrorism Without the Language of War*,

G8/G20 Summit 82 (2010).

### **SERVICE ACTIVITIES**

American Bar Association

Accreditation Committee (1981-92)

Chair (1990-92)

Association of American Law Schools

Government Relations Committee (1979-82)

Library Committee (1984-87)

Ad Hoc Committee on Long-Range Planning (1985-86)

Joint Committee on AALS-LSAC Relations (1978-80)

Law School Admission Council

Board of Trustees (1981-85, 1989-90)

Legal Affairs Committee (1978-84)

Chair (1982-84)

Test Development & Research Committee (1984-86)

Chair (1985-86)

Internal Affairs Committee (1986-88)

Ad Hoc Committee on Financial Aid (1978-80)

Ad Hoc Committee on Organization & Structure (1979-81)

Chair (1980-81)

## University of Utah

- Graduate Council (1981-87)
- University Senate (1982-83; 1987-92)
  - Executive Committee (1990-91)
- Publications Council (1983-86)
  - Chair (1984-85)
- Equal Opportunity Council (1983-87)
- Chair, Ad Hoc Committee on Structure of Colleges of Engineering and Mines
- Academic Freedom & Tenure Committee (1989-92, 2003-06)
- Budget & Planning Committee (1994-96)
- Olympic Oversight Committee (1995-97)
- Chair, Campus Health & Safety Committee (2002-04)
- Athletic Advisory Council (2004-07)
- Information Technology Council (2003-06, Chair 2004-06)
- RPT Standards Review (2005-06)
- Consolidated Hearing Committee (7 hearings since 2006)
- Disaster Resistant University Planning (Chair, 2006-08)
- President's Media Task Force (2006-08)
- IPIA Terrorism Study Group (2005-08)
- Advisory Committee on Internationalization (2006)
- President's Task Force on Campus Security (Chair, 2007)
- Emergency Policy Group (Chair 2008) & Emergency Advisory Council (Chair 2008)

## Utah Governor's Commissions

- Commission on Law & Citizenship Education (1983-85)
- State Land Law Review Commission (1984-85)

## Utah State Bar Association

- Committee on Delivery of Legal Services (1984-87)

## Salt Lake County Bar Association

- Executive Committee (1992-94)

## Utah Wilderness Association

- Board of Directors (1980-85)
- General Counsel (1980-96)

## American Civil Liberties Union of Utah

- President (1981-82)
- Board of Directors (1980-82)
- Legal Panel (1980-88)

## Community Co-op Nursery School

- President (1991-94)

## Park City Ski Patrol

- Volunteer (1981-88; 1992-99)

## Pro Bono Litigation

- Utah Wilderness Association (app. 12 cases)

American Civil Liberties Union (3 cases)  
Planned Parenthood Association of Utah (4 cases)

**BAR ADMISSIONS**

1969	Texas (inactive)	1970	California (inactive)
1971	Georgia (resigned to avoid dues)	1978	District of Columbia (inactive)
1981	Utah		