

Dru A. Brenner-Beck

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EDUCATION

The Judge Advocate General's School, United States Army, Charlottesville, VA

LL.M., Military Law, 1997, *Honor Graduate*
Judge Advocate General's School Award for Professional Merit

Boston University School of Law, Boston, MA

J.D., 1992, *Summa cum laude*
G. Joseph Tauro Distinguished Scholar, 1990; West Publishing Company Outstanding Achievement Awards 1989 & 1990; American Jurisprudence Prize Award in Contracts, Procedure, Evidence, Secured Transactions, Administrative Law, Bankruptcy & Creditors' Rights, and Family Law; Paul J. Liacos Distinguished Scholar Award, 1991; 1991 Boston Patent Law Association Writing Award; Daniel J. Dowd Scholarship Award 1992; Alumni Academic Achievement Award, 1992; Melville M. Bigelow Scholarship Award, 1992; Edward F. Hennessey Distinguished Scholar, 1992.

Georgetown University School of Foreign Service, Washington, D.C.

B.S.F.S., International/Developmental Economics, 1984, *cum laude*

PUBLICATIONS

Racial Inequities in Military Justice: Déjà vu, All Over, and Over, Again, 61 S. TEX. L. REV. 535 (2022) (with John A. Haymond).

Military Justice in UNDERSTANDING THE US MILITARY (William Hickman and Katherine Carroll eds., Routledge, 2022), with Michael A. Newton.

The 1917 Houston Incident: Racism, Military Law, and a Crisis of National Security in the First World War, 1 UVU J. INT'L SEC. & STRATEGIC STUD. 25–62 (2021), describing the three courts-martial that followed the Houston “Mutiny” and its effects on US national security, with John Haymond.

Eighteen Years of Detention at Guantánamo Bay: compliance with international law or the specter of tyranny?, 35 AMERICAN UNIV. INT'L L. REV. 671 (2020).

“Going Dark”: Encryption, Privacy, Liberty, and Security in the “Golden Age of Surveillance”, in THE CAMBRIDGE HANDBOOK OF SURVEILLANCE LAW, (David Gray & Stephen Henderson eds., Cambridge University Press, 2017), with Prof. Geoffrey Corn.

Viewing Treaties through a Military Lens, in SUPREME LAW OF THE LAND? DEBATING THE CONTEMPORARY EFFECTS OF TREATIES WITHIN THE US LEGAL SYSTEM (Gregory Fox, ed., Cambridge University Press, 2017) with Prof. Geoffrey Corn.

Trial and Punishment for Battlefield Misconduct, in WAR ON TERROR AND THE LAWS OF WAR: A MILITARY PERSPECTIVE, (revised chapter) (2nd Edition) (Oxford University Press, 2015).

War Crimes Trials at Guantánamo Bay: Key Developments in 2014, THE WAR REPORT: ARMED CONFLICT IN 2014, (A. Bellal, ed., Oxford University Press, 2015).

Viewing Treaties through a Military Lens: A Struggle for Equilibrium, with Prof. Geoffrey Corn, 38 HARV. J.L. & PUB. POL'Y 547 (2015).

Federalism and the Treaty Power: Breaking the “Bond(s)” Between Nations: The Treaty Power and Status of Forces Agreements, 5 AM. U. NAT'L SEC. L. BRIEF 1 (2014).

Keeping the Special Needs Exception Truly Special: Why a Comprehensive Approach to Evidence Admissibility is Needed in Response to the Expansion of Suspicionless Intrusions, 56 S. TEX. L. REV. 1 (2014).

Guidelines and Sentence Disparity & Challenges of Sentencing Data in the Military, 27 FED. SENT'G REP. 108 (2014).

Guest Editor's Observations: Different Perspectives on a Different Form of Federal Sentencing, 27 FED. SENT'G REP. 63 (2014). Served as guest editor for the two editions of the Federal Sentencing Report addressing military sentencing.

“Shrinking” the Right to Everyman's Evidence: Jaffee in the Military, 45 A.F.L. REV. 201 (1998).

Do As I Say, Not As I Did, An Examination of Intellectual Property Protection in the Third World, 11 UCLA PAC. BASIN L. J. 84 (1992). Won 1991 Boston Patent Law Association Writing Award.

WORKS IN PROGRESS

Co-authoring two articles describing the racist environment and due process flaws in the three U.S. Army courts-martial arising from the Houston “Mutiny” in 1917-1918, with John Haymond.

Chapter on War Crimes Prosecution in 3d Edition of *The Law of War and the War on Terror*.

Authoring book on history of US Military Commissions, key documents from the current Guantanamo Military Commissions and evaluation of compliance with international law.

Torture and the Guantánamo Military Commissions: The Last Best Chance for Accountability?, arguing that military and constitutional jurisprudence made applicable through the 2009 Military Commissions Act offers the last best opportunity for the United States to hold itself accountable for the torture inflicted on

current commissions' defendants under the CIA's Rendition, Detention, and Interrogation Program. Focusing on substantive due process, Article 13, UCMJ, and the Self-Incrimination Clause.

PRO BONO LEGAL PROJECTS

Adjunct Professor (pro bono), South Texas College of Law, Houston Texas, Actual Innocence Clinic, Aug. 2019 to present.

- Lead counsel for Clemency Petition for 110 African-American soldiers from the 24th Infantry Regiment convicted in three courts-martial conducted in 1917-1918 in the aftermath of what is colloquially known as the Houston "Mutiny" or "Riot." Coordinated with the Army General Counsel's office, the Houston Branch of the NAACP, the national NAACP, the U.S. Military Academy at West Point, and descendants of the soldiers and the victims of the 1917 violence to research significant racial inequities existing in these courts-martial, flaws which led to fundamental legal reforms in the 1921 Articles of War, including the creation of a military appellate process.
- Co-wrote the 129-page Clemency Petition, *Returning the 24th Infantry Soldiers to the Colors*, with lead historian John A. Haymond, that was presented to the Secretary of the Army on October 27, 2020. Petition available at [Returning the 24th Infantry Soldiers to the Colors - Houston Mutiny and Riot Records - South Texas College of Law Houston Digital Collections \(stcl.edu\)](#). Conducted in-depth research into historic U.S. Articles of War, Manual for Courts-Martial, and military treatises to evaluate due process inadequacies in the three courts-martial. Co-wrote and submitted Addendum to Petition to Secretary of the Army on 5 Dec. 2021, which included additional archival material and due process flaws. Addendum available at [Returning the 24th Infantry Soldiers to the Colors, Addendum - Houston Mutiny and Riot Records - South Texas College of Law Houston Digital Collections \(stcl.edu\)](#). The Clemency Petition and Addendum requested the Secretary of the Army to vacate all convictions for all 110 soldiers and upgrade their characterization of service to honorable. Submitted additional information to Army Review Board/Army Board for the Correction of Military Records in Feb. & Apr. 2022 in support of the Petition. The Secretary of the Army's decision on clemency is expected in Fall 2022.
- As part of interdisciplinary team, personally researched and led group of volunteer researchers nationwide to investigate relevant courts-martial and clemency records, legislative and investigative records, and 1917 military law and regulation to support the clemency petition. With the Innocence Clinic Director/Dean, supervised six students and guided clinic students to investigate and document the historical record and prepare dossiers for each soldier to support the clemency application as part of a multi-year effort to teach law students to research and present effective appellate level advocacy and mitigation cases.
- Assisted co-author John Haymond, the Department of the Army, the Veterans Administration and the National Cemetery Administration to draft historical marker for Fort Sam Houston National Cemetery based on research in clemency petition and underlying sources. Dedicated by the Deputy Secretary of the VA on Feb. 22, 2022, this marker is designed to educate visitors on events in Houston, the courts-martial, and the lasting impact of the executions of the 19 soldiers on the U.S. military justice system.
- Military law consultant on upcoming film by documentarian Marco Williams on the 1917 Houston courts-martial trials; currently in pre-production.

Consulting Attorney (part-time/pro bono) for Al-Baluchi defense team, United States v. Khalid Sheik Mohammad, et. al., Jan. 2017-Dec. 2019.

- Assisted in research, motion strategy, and writing of motions and appellate briefs on a capital defense team in the 9-11 military commission. Researched complex areas of operational, military, and constitutional law. Conducted archival research on relevant historical documents in National Archives, Library of Congress, and other government document repositories.
- Expert advisor on international humanitarian law and operational law issues.

ACADEMIC PRESENTATIONS

Women’s Defenders Continuing Legal Education Program, Texas Criminal Defense Lawyers Association, April 13, 2018, Fredericksburg, Texas.

Invited Speaker for presentation: *Defending the Worst of the Worst: Challenges to Due Process at Guantanamo Bay.*

National Security Law Faculty Workshop, 2012, 2013, 2014, 2015.

Fifth and Sixth, Seventh, and Eighth Annual National Security Law Faculty Workshops, co-hosted by the University of Texas School of Law, South Texas College of Law, and The Judge Advocate General’s Legal Center and School, in Houston, Texas in May 2012, May 2013, & May 2015 (presented three participants’ works in progress on Biometric ID Cyber-surveillance, Administrative Constitutionalism and the Retrenchment of the Surveillance Culture, and The Need for a Strategic Detention Policy); in Charlottesville, Virginia in May 2014 (prepared and presented Panel on Guantanamo Legal Issues with Prof. Dave Glazier).

Panel Member, Continuing Legal Education Presentation: “A Conversation Regarding the 9/11 Military Commission Proceedings at Guantánamo Bay, Cuba.”

Creighton University School of Law with James Connell (Learned Counsel for Ammar al-Baluchi), and Col (Ret.) Nancy Paul (Military Commission Judge in *United States v. Ibrahim Ahmed Mahmoud Al Qosi*) on March 6, 2014, Omaha, Nebraska. Selected as one of top three finalists for the best special program award through the American Inns of Court.

PROFESSIONAL AFFILIATIONS & VOLUNTEER LEGAL SERVICES

Director, National Institute of Military Justice, Jan. 1, 2021 to May 2, 2021.

Member, Board of Directors, preeminent U.S. non-governmental organization focused on the American military justice system.

President, National Institute of Military Justice (NIMJ) (pro bono), Feb. 2014 to Dec. 31, 2020.

- Led non-governmental organization with mission of advancing the fair administration of military justice and greater public understanding of the American military justice system.
- Designed and created organizational website: www.nimj.org which serves as documentary and information resource on military justice, international humanitarian law, and the Guantánamo military commissions. Website was migrated to new platform and significantly changed in Feb. 2021. Screenshots of original fully functional website are available on request.
- Provided legal expertise to media and congressional staffers on military justice issues.

- Wrote and filed two amicus briefs in *Khan* and *Mohammed* military commissions in 2019 on pretrial punishment, Article 13, ex post facto, and bill of attainder implications of the remedies for torture in the 2009 Military Commissions Act. Co-wrote amicus supporting grant of certiorari before U.S. Supreme Court.
- Served on NIMJ Board of Advisors since 2013.

Volunteer NIMJ Observer at Military Commission Proceedings for United States v. Khalid Sheik Mohammed, et.al.

- Observed twenty-five pretrial hearings from June 2013 to November. 2019 in Guantánamo Bay, Cuba.
- Evaluated complex legal issues in novel military commission proceedings.
- Wrote summations and legal analysis of on-going proceedings, published on NIMJ website as part of ongoing multi-volume “*Reports from Guantánamo.*”

Member, Pacific Council on International Policy, 2015 to 2022.

Member, International Society for Military Law and the Law of War – Société Internationale de Droit Militaire et de Droit de la Guerre (AISBL), 2014 to 2022.

Member, American Bar Association 2012 to present.

Member, The Judge Advocate’s Association, 2006 to present.

Volunteer Mediator, Denver Bar Court Mediation Services, for Denver County Courts, 2006-2007.

BAR ADMISSIONS

State of Washington (1992)
 State of Colorado (2005)
 U.S. Supreme Court (1997)
 U.S. Court of Appeals for the Fourth Circuit (1998)
 U.S. Court of Appeals for the Tenth Circuit (2005)
 U.S. Army Court of Criminal Appeals (1992)