

# Pratheepan (Deep) Gulasekaram

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## EDUCATION

**Stanford Law School**, *JD with Distinction* (2001)

**Brown University**, *BA, magna cum laude, British and American Literature* (1996)

Phi Beta Kappa; Ratcliffe Hicks Prize for highest standing in Language and Literature

## LEGAL TEACHING EXPERIENCE

**Santa Clara University School of Law**, *Professor of Law & Faculty Scholar, Markulla Center for Applied Ethics* (2007-Present)

Courses: Constitutional Law I & II; Immigration Law; Immigration Law & Policy (seminar/practicum)

Program Director, SCU School of Law Summer Study Abroad Program (Shanghai, China)

2019 SCU Presidential Recognition Award

2012 SCU Law School Public Interest & Social Justice Achievement Award

**Stanford Law School**, *Visiting Professor* (Fall 2021; Fall 2011)

Course: Immigration Law

**University of California, Berkeley & U.C. Berkeley Law School** *Visiting Professor* (Spring 2018, 2019, 2020)

Courses: Immigration and Citizenship Law & Policy (Spring 2018/19) (undergraduate)

Immigration Law (Spring 2020) (law school)

**New York University School of Law**, *Acting Assistant Professor* (2005-2007)

Course: Lawyering

**Loyola University School of Law** (New Orleans, LA), *Visiting Assistant Professor* (2004-2005)

Courses: Constitutional Law I, II

## OTHER LEGAL EXPERIENCE

**The Honorable Jacques L. Wiener, Jr.**

**United States Court of Appeals for the Fifth Circuit**, *Law Clerk* (New Orleans, LA) (2001-2002)

**O'Melveny & Myers LLP**, *Associate Attorney* (Century City, CA) (2003-2004)

**Susman Godfrey LLP**, *Associate Attorney* (Los Angeles, CA) (2002-2003)

**Covington & Burling** (Washington, DC); **Sullivan & Cromwell** (Los Angeles, CA) (Summer 2000)

**Asian Law Caucus**, *Extern* (San Francisco, CA) (2000-2001)

**Professor Emily Buss**, University of Chicago Law School, *Research Assistant* (Summer 1999)

## CASEBOOKS, BOOKS, & BOOK CHAPTERS

***Immigration and Citizenship: Process and Policy*** (9<sup>th</sup> Ed.) (2021) (with T. Alexander Aleinikoff, David Martin, Hiroshi Motomura, Maryellen Fullerton, & Juliet Stumpf) (leading immigration law casebook used in law schools); ***Immigration and Nationality Laws of the United States: Selected Statutes, Regulations, and Forms*** (2020) (Aleinikoff, et. al. Eds.)

***The New Immigration Federalism*** (CAMBRIDGE UNIVERSITY PRESS 2015) (with S.K. Ramakrishnan)

**United States v. Cruikshank Reimagined** (chapter for ***Critical Race Judgments: Rewritten U.S. Supreme Court Opinions on Race and Law***, (CAMBRIDGE UNIVERSITY PRESS 2020) (D. Carbedo, A. Onwuachi-Willig, R. Lenhardt, B. Capers, Eds.))

***Immigration Localism*** (chapter for ***The New Preemption Reader: Legislation, Cases and Commentary on the Leading Challenge in Today's State and Government Law*** (1<sup>st</sup> Ed.) (2019) (N. Davidson and R. Briffault, Eds.)) (with Rose C. Villazor, Rick Su)

*Immigration and American Federalism* (chapter for *Controversies in American Federalism and Public Policy*, (ROUTLEDGE PRESS 2018) (Christopher Banks, Ed.))

## ARTICLES

*Preemption, The President, and Immigration Federalism from California to Kansas*, (work-in-progress)

*Restructuring Immigration Enforcement Federalism*, 2021 U. ILL. L. REV. ONLINE: BIDEN 100 DAYS 39 (2021)

*Anti-Sanctuary & Immigration Localism*, 119 COLUMBIA L. REV. 837 (2019) (with Rose C. Villazor, Rick Su)

*Privatized Detention & Immigration Federalism*, 71 STANFORD L. REV. ONLINE 135 (2019) (with David S. Rubenstein)

*Sanctuary Networks*, 103 MINNESOTA L. REV. 1209 (2019) (with Rose C. Villazor)

*The New Sanctuary and Anti-Sanctuary Movements*, 52 U.C. DAVIS L. REV. 549 (2018) (with Rose C. Villazor)

*Immigration Exceptionalism*, 111 NORTHWESTERN UNIV. L. REV. 583 (2017) (with David S. Rubenstein)

*The President and Immigration Federalism*, 68 FLORIDA L. REV. 101 (2016) (with S.K. Ramakrishnan)

*Understanding Immigration Federalism in the United States* (March 2014) (with S.K. Ramakrishnan) (commissioned report for the Center for American Progress)

*Immigration Federalism: A Reappraisal*, 88 NEW YORK UNIV. L. REV. 2074 (2013) (with S.K. Ramakrishnan)

*Guns and Membership in the American Polity*, 21 WILLIAM & MARY BILL OF RIGHTS J. 619 (2012) (symposium)

*The Importance of the Political in Immigration Federalism*, 44 ARIZONA STATE L. J. 1431 (2012) (with S.K. Ramakrishnan)

*Restrictive State and Local Immigration Laws: Solutions in Search of Problems*, 6 ADVANCE 5 (November 2012) (with S.K. Ramakrishnan) (Issue Brief for the American Constitution Society for Law & Policy)

*Why a Wall?* 2 U.C. IRVINE L. REV. 147 (2012) (symposium)

*No Exception to the Rule: The Unconstitutionality of State Immigration Enforcement Laws*, 5 ADVANCE 37 (October 2011) (Issue Brief for the American Constitution Society for Law & Policy)

*“The People” of the Second Amendment: Citizenship & the Right to Bear Arms*, 85 NEW YORK UNIV. L. REV. 1521 (2010)

Cited by: *Fletcher v. Haas*, 851 F.Supp.2d 287, 295 (D. Mass. 2012); *Pohlabel v. State*, 268 P.3d 1264, 1271 (Nev. 2012); Am. Jur. 2d §§ 26, 1877, 2309, 2714; 56 A.L.R. Fed. 2d 1, 131, 249; 65 A.L.R. Fed. 2d 249; 64 A.L.R. 6<sup>th</sup> 131

Response: Eugene Volokh, *A Cautionary Note for Readers of “The People” of the Second Amendment*, N.Y.U. L. Rev. The Legal Workshop Online (Dec. 8, 2011)

Reply: Pratheepan Gulasekaram, *A Cautionary Note to Readers of Professor Volokh’s “Cautionary Note,”* N.Y.U. L. Rev. The Legal Workshop Online (Dec. 8, 2011)

*Sanctuary Ordinances & Immigration Federalism: A Dialectical Analysis*, 55 WAYNE L. REV. 1683 (2009) (with Rose C. Villazor) (symposium)

Cited by: *Villas at Parkside Partners v. Farmers Branch*, 726 F.3d 524, 561 (5<sup>th</sup> Cir. 2013) (Higginson, J., specially concurring)

*Sub-National Immigration Regulation & the Pursuit of Cultural Cohesion*, 77 U. CINCINNATI L. REV. 1441 (2009)

*Aliens with Guns: Equal Protection, Federal Power, and the Second Amendment*, 92 IOWA L. REV. 891 (2007)

Cited by: *Fletcher v. Haas*, 851 F.Supp.2d 287 (D. Mass. 2012)

*Protecting Unauthorized Use of Trademark in Expressive Works*, 80 WASHINGTON L. REV. 887 (2005)

Winner: 2006 Ladas Memorial Award for Trademark Scholarship  
Cited by: McCarthy on Trademarks and Unfair Competition §§ 10:22, 31:144.50  
Callmann on Unfair Competition § 22:59

*Foundations of World Order* by Francis A. Boyle, 36 STANFORD J. INTL. L. 181 (2000) (book review)

### **POPULAR PUBLICATIONS, EDITORIALS, BLOGS & OTHER LEGAL WRITING**

*The President, Immigration Law, and Federalism*, BALKINIZATION BLOG (Nov. 2020) (essay for online symposium, responding to Adam Cox and Cristina Rodriguez, *The President and Immigration Law* (OUP 2020))

*Sanctuary and Anti-Sanctuary Laws and the United States Constitution*, Federal Agency for Civic Education, Germany and Institute of Migration Research and Intercultural Studies, University of Osnabrueck (forthcoming Fall 2020) (essay solicited by German government on sanctuary trends in United States for German and European audience)

*Cities Can't Defy State Health Orders by Claiming to be "Sanctuaries" for Businesses*, LOS ANGELES TIMES, May 22, 2020 (Op-Ed)

*Local Immigration Non-Enforcement and Local Gun Deregulation*, SECOND THOUGHTS BLOG, Duke Univ. Center for Firearms Law, May 14, 2020 (online symposium essay)

*Expert Report & Declaration, Intercommunity Justice & Peace Center v. Registrar, Ohio Bureau of Motor Vehicles (S.D. Ohio 2020) and Community Refugee & Immigration Services v. Registrar, Ohio Bureau of Motor Vehicles (S.D. Ohio 2020)* (written declaration for plaintiffs, analyzing legal defects in Ohio BMV's attempted exclusion of certain refugees and children of unauthorized noncitizens from receiving driver's licenses; summary judgement awarded to plaintiffs *Intercommunity Justice & Peace Center v. Ohio BMV*, 440 F.Supp.3d 877 (S.D. Ohio 2020))

*Kansas v. Garcia (2019): Argument Preview, Argument Analysis, Opinion Analysis*, SCOTUSBLOG, Oct.-Nov. 2019

*The Perilous Stakes of Immigration Law by Executive Fiat*, THE HILL, Nov. 9, 2018 (with David S. Rubenstein)

*An Immigration Legacy at Odds with Justice Kennedy's Animating Principles*, SCOTUSBLOG, July 3, 2018

*The Case for Non-Governmental Sanctuary*, LOS ANGELES TIMES, April 5, 2018 (with Rose C. Villazor) (Op-Ed)

*The Truth About the Administration's Anti-Sanctuary Campaign*, AMERICAN CONSTITUTION SOCIETY FOR LAW & POLICY, Oct. 18, 2017 (blog post) (critiquing the Department of Justice's legal threats against sanctuary cities)

*Trump's Travel Ban 2.0*, AMERICAN CONSTITUTION SOCIETY FOR LAW & POLICY, May 17, 2017 (blog post) (commentary on the Ninth Circuit oral argument in *Hawaii v. Trump*)

*An Annotated Guide to Donald Trump's Revised Travel Ban*, THE GUARDIAN, Mar. 7, 2017

*Sanctuary Cities are Safe, Despite Trump's Executive Order*, AMERICAN CONSTITUTION SOCIETY FOR LAW & POLICY, Jan.31, 2017 (blog post) (arguing that threatened de-funding of sanctuary cities is unconstitutional)

*Take the Immigration Fight to the States*, LOS ANGELES TIMES, June 27, 2016 (with S.K. Ramakrishnan) (Op-Ed)

*How the Supreme Court's Deadlock will Change Immigration Politics*, WASHINGTON POST, June 24, 2016 (Op-Ed) (with S.K. Ramakrishnan) (discussing federalism aspects of Supreme Court's decision in *United States v. Texas*)

*United States v. Texas: Ex Ante or Ex Post Judicial Review*, YALE NOTICE & COMMENT BLOG, June 9, 2016 (with D.S. Rubenstein) (commentary on possibilities for judicial review raised by oral argument in case) (blog post)

*The President, Partisanship, and Immigration Policy*, SANTA CLARA LAW MAGAZINE, Vol. 22 Spring 2016 (commentary comparing *United States v. Texas* and *Arizona v. United States*)

*President and States in a Partisan Battle over Immigration Policy*, AMERICAN CONSTITUTION SOCIETY FOR LAW & POLICY, Jan. 19, 2016 (blog post) (commentary on the Supreme Court agreeing to hear *United States v. Texas*)

*The Legality of Muslim Exclusion*, AMERICAN CONSTITUTION SOCIETY FOR LAW & POLICY, Dec. 9, 2015 (blog post)

***States Cannot Reject Syrian Refugees***, WASHINGTON POST, Nov. 19, 2015 (Op-Ed) (with S.K. Ramakrishnan)

***An Immigration Policy for the Next 50 Years***, THE HILL, Oct. 8, 2015 (explaining unintended consequences of 1965 Immigration Act, and the root causes of unauthorized migration) (with S.K. Ramakrishnan)

***Forget Border Walls and Mass Deportations: The Real Changes in Immigration are Happening in the States***, WASHINGTON POST, Sept. 24, 2015 (with S.K. Ramakrishnan)

***Campaign Rhetoric versus Facts on Immigration***, LOS ANGELES TIMES, Sept. 23, 2015 (Op-Ed) (assessing the credibility and feasibility of several GOP presidential candidates' immigration proposals) (with S.K. Ramakrishnan)

***Obama's Actions Likely to Spur States, Not Congress, to Act***, SAN JOSE MERCURY NEWS, Dec. 6, 2014 (Op-Ed) (with S.K. Ramakrishnan)

***Obama's Deferred Action Program is No Overreach***, SAN FRANCISCO CHRONICLE, Sept. 3, 2014 (Op-Ed) (explaining the authority and latitude of the President in immigration policy) (with S.K. Ramakrishnan)

***Sheriff Can Dig in Heels More***, SANTA ROSA PRESS DEMOCRAT, Feb. 17, 2014 (Op-Ed) (explaining legal latitude for counties and cities to resist federal immigration detainer requests)

***Can Obama Unilaterally Ban Deportations?*** LOS ANGELES TIMES, Dec. 5, 2013 (Op-Ed) (evaluating the legal and political risks of executive action on deportations) (with S.K. Ramakrishnan)

***Driver's Licenses for Undocumented Immigrants: How the Obama Administration's Deferred Action Plan Paved the Way***, SAN JOSE MERCURY NEWS, Oct. 12, 2013 (Op-Ed) (with S.K. Ramakrishnan)

***Immigration Federalism Post-Arizona***, AMERICAN CONSTITUTION SOCIETY FOR LAW & POLICY, Aug. 8, 2013 (blog post) (analyzing federal court decisions after *U.S. v. Arizona*)

***Gay Marriage Advances Come at a Cost***, USA TODAY, July 1, 2013 (Op-Ed) (critiquing Supreme Court's marriage equality decisions)

***What Does it Mean to be American?*** USA TODAY, Apr. 23, 2013 (Op-Ed) (discussing gun control and immigration)

***Partisanship, Not Demography, Explains State Immigration Laws***, AMERICAN CONSTITUTION SOCIETY FOR LAW & POLICY, June 27, 2012 (blog post) (analyzing *U.S. v. Arizona* decision) (with S.K. Ramakrishnan)

***The Anti-Immigrant Game***, LOS ANGELES TIMES, Apr. 24, 2012 (Op-Ed) (highlighting partisan influence over state and local immigration laws) (with S.K. Ramakrishnan)

***Why U.S. v. Arizona Won't End the Debate Over State and Local Immigration Regulation***, AMERICAN CONSTITUTION SOCIETY FOR LAW & POLICY, Apr. 27, 2012 (blog post) (discussing limits of judicial pronouncements)

***Constitutional Values and the California DREAM Act***, SAN JOSE MERCURY NEWS, Sept. 14, 2011 (Op-Ed) (advocating for passage of state-level measures for undocumented students)

***A Victory for Immigrants?***, AMERICAN CONSTITUTION SOCIETY FOR LAW & POLICY, Aug. 1 2010 (blog post) (discussing constitutionality of Arizona's SB 1070 legislation)

***Legal Scholars Dissect S.F. Sanctuary Ordinance***, N.Y. TIMES, Bay Area Blog, Oct. 21, 2009 (analyzing constitutionality of sanctuary ordinances)

***The Immigration Debate: Coming Soon – A City ID?*** SAN FRANCISCO CHRONICLE, Sept. 30, 2007 (Op-Ed) (arguing that municipal ID programs are constitutional and sound public policy)

#### **REPRESENTATIVE PRESENTATIONS, CONFERENCES, & APPEARANCES**

Panelist, ***Colloquium on Localism, Popular Constitutionalism, Preemption, and Firearms***, Center for Firearms Law, Duke University Law School (May 2020)

Panelist, ***Theorizing the Interior of Immigration Enforcement***, Law & Society Annual Conference (June 2019)

Panelist, *Immigration Federalism, Detention, and Sanctuary Cities*, Symposium, Southwestern Law School Law Review (Feb. 2019)

Panelist, *What are the Limits of Local Control?*, The Federalist Society, Annual Western Chapters Conference (Jan. 2019) (featured on C-Span)

Panelist, *Executive Power: Immigration Reform in the New Administration*, Symposium, University of Pennsylvania Constitutional Law Journal (Jan. 2018)

Panelist, *Immigration in the Trump Administration*, American Association of Law Schools Annual Meeting (Jan. 2018)

Panelist, *Current Issues in Immigration Policy*, Levin Center, Wayne State University Law School (Nov. 2017)

Panelist, *Public Interest Mobilization and Access to Justice Movements in the New Democratic State*, Symposium, University of Wisconsin Law Review (Oct. 2017)

Panelist, *Immigration Law and Resistance: Ensuring a Nation of Immigrants*, Symposium, U.C. Davis Law Review (Oct. 2017)

Speaker, *Immigration Nation? Challenges for All Americans*, American Association of University Women and League of Women Voters, Alameda, Cal. (Sept. 2017)

Speaker, *Progressive Federalism: A New Way Forward?*, Plenary Session, American Constitution Society for Law & Policy, National Convention, Washington, D.C. (June 2017)

***Immigration Exceptionalism*** (Paper Presentation)

Northwestern University Law Review, Speaker Series (April 2017)

Georgia State University Law School, Faculty Workshop Series (Mar. 2017)

Northern California International Law Scholars Conference, Stanford Law School (Oct. 2016)

Washington & Lee School of Law, Faculty Workshop Series (Sept. 2016)

U.C. Davis School of Law, Faculty Workshop Series (Jan. 2016)

***The New Immigration Federalism*** (Book Talk)

Stanford University, Department of Political Science & School of Law (Feb. 2016)

UCLA International Institute, UCLA School of Sociology (Oct. 2015)

Yale University, Center for Study of Inequality (Sept. 2015)

Speaker, *Emerging Federal & State Government Policies*, Cities Association of Santa Clara County Annual Meeting (May 2017)

Speaker, *Briefing Call on San Francisco v. Trump: The Legality of Sanctuary Cities*, American Constitution Society for Law & Policy (April 2017)

Panelist, *What is a Sanctuary Campus?* Thelton Henderson Center for Social Justice, U.C. Berkeley Law School (Mar. 2017)

Panelist, *Immigration and the 2016 Presidential Election*, American Association of Law Schools Conf. (Jan. 2016)

Panelist, *Equality Gained, Equality Lost? The 1965 Immigration Act and its Aftermath*, American Constitution Society for Law & Policy, Economic Policy Institute, Washington D.C. (Oct. 2015) (featured on C-Span)

Panelist, *Immigration Reform at 50*, Symposium, University of Michigan Law School (Feb. 2015)

Panelist, *The President's Executive Action on Immigration*, Symposium, Washington College of Law at American University (Jan. 2015)

Panelist, *The Obama Presidency & Federalism*, American Association of Law Schools Conf. (Jan. 2015) (featured on C-Span)

Critic, *Author Meets Critics Session: "Immigration Outside the Law" by Hiroshi Motomura*, UCLA International Institute, UCLA School of Law (Oct. 2014)

Commenter, *Integration – Models of Community and Difference*, Freeman Spogli Institute for International Study, Stanford University (Sept. 2013)

Co-Organizer & Presenter, *Emerging Immigration Law Teachers Workshop*, U.C. Irvine School of Law (June 2013) and American University School of Law (June 2011)

Panelist, *Fresh Perspectives on the Future of Federalism*, American Constitution Society for Law & Policy, National Convention, Washington, D.C. (June 2013)

Panelist, *The Constitutionality of State and Local Immigration Laws*, American Constitution Society for Law & Policy, State Bar of Georgia (Feb. 2012)

Panelist, *Immigration Enforcement Policy and Opinions*, Politics of Race, Immigration, and Ethnicity Consortium (PRIEC), U.C. Davis School of Law (May 2011)

Panelist, *Persistent Puzzles in Immigration Law*, Symposium, U.C. Irvine School of Law (February 2011)

Panelist & Moderator, *Racialization of Immigration Law*, Post-Racial Civil Rights Law, Politics, and Legal Education, American Association of Law Schools Conf. (June 2010)

Presenter, *Immigrants & Guns*, Advanced Critical Race Theory Workshop, UCLA School of Law (Mar. 2010)

Representative Public Television/Radio Guest Appearances

*Supreme Court Rules to Keep DACA in Place*, KQED Forum, KQED Newsroom (June 2020)

*Trump Administration's Planned Nationwide Immigration Sweeps*, KQED Forum (July 2019)

*Tariffs and Immigration*, KQED Newsroom (June 2019)

*Trump's Merit-Based Immigration Proposal*, KPCC AirTalk (May 2019)

*Immigration and Border Security*, KQED Newsroom (April 2019)

*National Emergency Declaration and Border Wall Construction*, KPCC AirTalk (Feb. 2019)

*The U.S. Asylum Process Explained*, KQED Forum (June 2018)

*Legality of Trump's Executive Order on Immigration*, KPCC AirTalk (June 2018)

*Northern California Immigration Sweep*, KQED Forum (Feb. 2018)

*Dreamers and Temporary Protected Status*, KQED Newsroom (Jan. 2018)

*Rescinding Federal Funding to Sanctuary Cities*, KPCC AirTalk (Mar. 2017)

*What New DHS Immigration Memos Mean for California*, KQED Forum (Feb. 2017)

*Same-Sex Marriage on Trial: A Look Inside Prop 8 in Federal Court*, KALW City Visions (Feb. 2010)

#### **OTHER PROFESSIONAL EXPERIENCE & CONSULTANCIES**

**World Children's Initiative**, *Founder & Director of Operations* ([www.wciprojects.org](http://www.wciprojects.org)) (2005-Present)

Co-founded non-profit organization dedicated to improving healthcare and educational systems for children in developing areas, with seed funding from former U.S. Presidents George H.W. Bush & William J. Clinton

Built Children's Hospital in southern Sri Lanka (2005-2010)

Developed Children's Heart Institute in Uganda, and trained local doctors in life-saving pediatric heart procedures (2010-2016)

Developing safe surgery program in Madagascar in partnership with Operation Smile, Inc. (2017-present)

**Mural Music & Arts Project (MMAP)**, *Board of Directors* (East Palo Alto, CA) (2011-Present)

Organization dedicated to empowering underprivileged Bay Area youth through the arts

**De La Salle Academy**, *Middle School Teacher* (New York, NY) (1996-1998)