



2011

# Symposium Introduction

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## Recommended Citation

Stephen Yale-Loehr, *Symposium Introduction*, 56 Vill. L. Rev. 395 (2011).

Available at: <http://digitalcommons.law.villanova.edu/vlr/vol56/iss3/1>

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# VILLANOVA LAW REVIEW

VOLUME 56

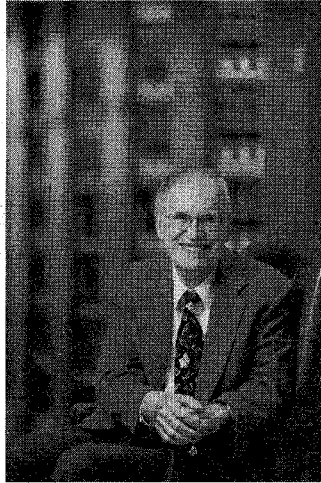
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## Professor John F. Murphy



**P**ROFESSOR Murphy received his B.A. from Cornell University in 1959 and his LL.B. with Specialization in International Affairs from Cornell University in 1962. After his graduation from law school, from 1962-1963, Professor Murphy worked with the Indian Government as a Fellow in the Afro-Asia Public Service Fellowship Program, which was a program sponsored by Syracuse University and the Ford Foundation. After his return to the United States, he worked as an associate with a Wall Street law firm for a year and then joined the Office of the Legal Advisor, U.S. Department of State, where he served from 1964-1967 in the Office of the Assistant Legal Advisor for United Nations Affairs. From 1967 to 1969 he worked as an associate with a law firm in Washington D.C. and then began his teaching career in September 1969 at the University of Kansas School of Law.

Professor Murphy has taught in Aix-en-Provence, London, Mexico City, Paris, and Haifa, as well as at Cornell, Georgetown, and Kansas Universities. From 1980-81, he was the Charles H. Stockton Professor of International Law at the Naval War College in Newport, Rhode Island.

Professor Murphy has been active in several professional organizations. For the ABA he served as its Alternate Observer at the United States

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Mission to the United Nations, was on the Council of the ABA's Section of International Law, was the Section's International Legal Scholar, and currently is a member of the ABA's Francis Shattack Security & Peace Initiative. For the American Society of International Law, he has served on the Society's Executive Council and on its Board of Review and Development, as well as in a variety of other capacities. He is currently an Honorary Vice-President and Patron of the American Branch of the International Law Association. He has served as consultant to the Council for International Exchange of Scholars; the U.S. Departments of Justice and State; the United Nations Crime Prevention Unit, Vienna, Austria; the ABA Standing Committee on Law and National Security; the United Nations Association of the United States of America; the Commission on the Organization of the Government for the Conduct of Foreign Policy; and the International Task Force on Prevention of Nuclear Terrorism. He currently is a member of the Editorial Advisory Board of *The International Lawyer* and previously served on the Editorial Boards of *Terrorism and Political Violence* and *Transnational Publishers*. He was a co-editor (with Jay Vogelsong) of the ABA's *World Order Under Law Reporter*.

He has written a number of books and monographs, including *Report of the Task Force on an International Criminal Court of the American Bar Association* (1995); *State Support of International Terrorism: Legal, Political, and Economic Dimensions* (1989); *Punishing International Terrorists: The Legal Framework for Policy Initiatives* (1985); *The United Nations and the Control of International Violence: A Legal and Political Analysis* (1983); *Legal Aspects of International Terrorism: A Summary Report of an International Conference* (1980); *The United States and the Rule of Law in International Affairs* (2004); and *The Evolving Dimensions of International Law: Hard Choices for the World Community* (2010). He also has co-authored several books, including: *The Constitutional Law of the European Union* (1996, Supp. 1999, and 2d ed. 2008) (with James Dinnage); *The Regulation of International Business and Economic Relations* (1991) (with the late Alan C. Swan) (for which he was awarded a Certificate of Merit by the American Society of International Law), as well as a second edition of *The Regulation of International Business and Economic Relations*, published in 1999; and was co-editor and contributor to *Legal Aspects of International Terrorism* (1978) (with Alona E. Evans). Professor Murphy also has written many scholarly articles and reviews on the topics of international law and international terrorism.

On April 8, 2011, Professor Murphy became the recipient of the 2011 Louis B. Sohn Award for Public International Law, in honor of the late Louis B. Sohn, a distinguished international lawyer and scholar. The Section of International Law of the American Bar Association periodically presents the award to those persons who have made "distinguished, long-lasting contributions to the field of public international law.

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## Tributes to Professor John F. Murphy

### A TRIBUTE IN HONOR OF PROFESSOR JOHN MURPHY

I have had many wonderful teachers, mentors, and friends in my life—a crusty old First Sergeant, three officers who served as the Chairman of the Joint Chiefs of Staff, a Latin teacher who spent most of our classroom time together teaching art appreciation, old experienced Washington legal hands, and many, many others in and out of uniform—but no one has had a more profound impact on my life as an attorney than Professor John Murphy.

I first met John many years ago (I hate to think just how many) when, as a brash young Army captain fresh from an assignment with a nuclear weapons unit in Europe, I began my new military assignment as a law student at the Kansas School of Law. My experiences with the military justice system as an Army unit commander had sparked my interest in the law, and I was lucky enough to have been selected in the first year of a new program to send young serving line officers to law school, followed by our transfer to the Judge Advocate General's Corps for service as military lawyers.

I did not have a particular focus on international law when I started; I thoroughly enjoyed the courses in criminal law, torts, contract law, and other subjects, and greatly admired the professors who taught those courses. Then I took my first course in public international law from John. His knowledge of and—more importantly—his deep understanding of international law and its historical roots were impressive. But it was his profound reverence for the role of the law in guiding the relations among nations and in the resolution of international disputes by means other than war (for which all soldiers should be grateful), his inspiring gifts as a teacher, and his unfailing good humor despite all provocations that have so greatly influenced my thinking and my personal and professional life.

Many years later I served as Deputy Legal and Legislative Counsel to the Chairman of the Joint Chiefs of Staff during the first Gulf War and was called upon from time to time to give advice on a law of war or other international legal issue (often in a matter of minutes, with no time for research). More than once I asked myself, how would John Murphy answer that question? and gave the answer I thought John would have given. My work back in the 1970s as John's research assistant in the area of the legal aspects of international terrorism shaped and continues to shape my views and advice on that complex topic—sadly a topic with as much, or even more, relevance today than it had all those years ago.

John has had many—surely thousands—of students in his long and distinguished career, and his prolific and profound scholarship and writ-

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ings have shaped the views of many more thousands of students, academics, and practicing international lawyers in and out of government. I, like so many others, deeply respect and admire him for his many scholarly accomplishments. But, as I suspect is the case with most who have had the great fortune to know John, I treasure most of all the honor of being able to call him my friend.

*Joseph R. Barnes*  
*Brigadier General, Judge Advocate General's Corps, US Army (retired)*  
*Class of 1977, Kansas School of Law*

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### A TRIBUTE TO PROFESSOR JOHN F. MURPHY

IT is a great pleasure to have this opportunity to express my admiration and affection for John Murphy on the occasion of this symposium at Villanova honoring his many years of outstanding teaching, scholarship, and public service.

I first met John over four decades ago when we briefly served together as colleagues at the State Department's Office of the Legal Advisor. Since then I have had the very good fortune of often seeing and sometimes working with him as his career blossomed and his life became ever enriched.

There is no need for me to recount here the very long list of John's scholarly, professional, and public service accomplishments—his long and honored teaching at Villanova, Kansas, and many other university's law schools; his many significant and thoughtful books and articles, always of the highest quality; his recognition and many leadership positions in the American Bar Association, the American Society of International Law and the American Branch of the International Law Association; his wise counsel to the State Department, the United Nations, the Naval War College, and other government and intergovernmental organizations.

Suffice it to say that I can think of few people as respected and admired as John or who can match the enormous contribution and commitment he has made to our field of international law. In particular, he has brought to our discipline a refreshing and much needed sense of pragmatic realism—most recently in his fine 2007 book on *The United States and the Role of Law in International Affairs* and especially in his important new book on the *Evolving Dimensions of International Law*, which will have the lead book review in the forthcoming October 2010 issue of the *American Journal of International Law*. Moreover, despite John's clear-headed recognition of the problems and limitations of international law, he has never wavered in his faith in and commitment to our common enterprise of seeking to create an international order based on respect for law and human dignity.

Most of all, however, I would like to pay tribute to John as a person—his decency, his integrity and his kindness. It has been a great privilege to have been his friend for these many years—and I look forward to our friendship continuing for many years to come.

*Professor Richard B. Bilder*



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A TRIBUTE IN HONOR OF PROFESSOR JOHN MURPHY  
*PASSION, INSPIRATION, LEADERSHIP*

**T**WENTY years ago I was finishing up my first year in law school. I had not set out in life intending to be a lawyer, and in fact spent several years after graduating from college doing just about everything *but* pursue law. And when I finally decided to enroll in law school (that decision being a whole story unto itself), somehow I came to a determination that I was most interested in either environmental or international law. Today, I can't even remember where either of these initial leanings originated, although I remember making the decision during first year to pursue a career in one of these two paths. As it turned out, I took the environmental law course first and discovered that RCRA and I really weren't meant for each other. Being slightly better versed in my critical analysis skills and therefore (so I thought) my decision-making abilities, I concluded that my initial and obviously uninformed assessment of where my interests truly lay was probably ill-thought out. I tossed out the idea of both environmental and international law together, and instead filled my schedule with other courses that sounded interesting: privacy and law of higher education, for example. And that, as they say, really should have been the end of it.

Memories are funny things. While we obviously remember key events in our lives, often the tiny seeds that germinate into what has the most significant impact on our lives, or the most insightful self-revelations, get lost in the haziness of time. Somewhere, at some point, during my 2L year, I must have seen a poster or had a professor whom I respected (and there were more than just a few of those for me at Villanova Law School) who must have whispered in my ear about the Jessup Moot Court Competition. I must have signed up to try out for the team—and I obviously tried out and did well enough that, amazingly enough, the coach—none other than Professor Murphy—selected me not only to be on the team that year as a 2L, but to be the swing oralist.

*PASSION.* The Jessup problem that year was a mock-up of the Persian Gulf War. The drafters—as did I when I delved into the research to write the briefs—saw such a wealth of issues in the law of armed conflict, expropriation, and humanitarian law, that the presented hypothetical could have easily subsumed a lifetime of research and endless debate. And yet, it had to be distilled into 90 minutes or less of oral argument and—for me—the ability to literally argue out of both sides of my mouth with equal conviction, accuracy, and passion. I ate, slept, breathed, and practically devoured international law. Whole shelves of the International Law section in the library were stacked in my carrel and tabbed with hundreds of Post-It notes. Countless hours were spent discussing and debating the most esoteric points of international law with Professor Murphy, all of which sharpened both my arguments and my knowledge.

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In that one moment lost in time, when I decided to try out for the Jessup team, I made a decision that would literally influence the trajectory of my career. I made a decision that crossed my path with Professor Murphy's, whose mentorship, intellectual strength, and steady presence helped me win the Best Oralist award and lead our team to the International Rounds that year, and carried forward as a source of strength and friendship in the years that followed. That single decision ended up opening my eyes to what turned out to be much of what was best in me and what engenders passion in what I would find myself doing during the remainder of my time at law school and throughout in my legal career.

And so I discovered that while I had been mistaken about my interest in environmental law, I had unwittingly been spot on about my passion for international law. In my third year, I returned again as a member of the school's Jessup team and also signed up for every single international law course Villanova offered—each of every one of which was taught by Professor Murphy, in whom I found a veritable endless fount of knowledge, experience, and intellectual strength.

*INSPIRATION.* Law school, of course, eventually does come to an end (although this no doubt seems wishful thinking for 1Ls during exam time). After I graduated, a series of unforeseen events found me practicing law in Washington, D.C. In those initial, lonely years as a lowly associate in a law firm practicing securities and antitrust complex litigation—particularly at 1 a.m. in the morning as I was working on a particularly tedious pleading—it was often difficult to remember why I had felt so energized, so invigorated in law school. I was doing well enough, and I enjoyed litigation greatly, but something was missing. I recall that in those early years, each time John came to D.C., he took great care to touch base with me to see how I was doing. He introduced me to his own D.C.-based colleagues and network. He shared freely his experiences working at the State Department and being inside the Beltway, listened to my doubts and questions, and provided guidance and support. And in one of those discussions, it dawned on me—none of my practice involved international law. Although I liked what I was doing, and was doing well at it, I wasn't passionate about what I was doing. Something had to change.

I started by going back to school, earning an LL.M. in International and Comparative Law at Georgetown Law Center. I met more of John's friends, including fellow VLS alums like Jack McNeil, whose decades of public service culminated in his service as Principal Deputy General Counsel for the Department of Defense. With Jack, I had the pleasure of again being a student to an intellectual giant, as Jack was one of my teachers at Georgetown, raising my knowledge and literacy in international law to encompass national security law as well. Jack, like John, also became a mentor, staunch supporter, and friend.

As I was completing my LL.M., I changed jobs and went in-house, joining the International Telecommunications in Satellite Organization (IN-

TELSAT), an international organization that owned and operated the world's first satellite system. I had modified my career trajectory back to what I was passionate about, and the world to which John had opened the door for me: international law. Each successive career change that I have pursued ever since bears the same mark of passion for international and national security law, and the inspiration shown to me by John to have the will and courage to pursue that passion in my life and career relentlessly.

Inspired by John and Jack, many years and yet another job later (this time to the National Security Agency), I was given the opportunity to develop a national security law course focused on technology and terrorism at George Mason University Law School—a course that I have taught as an adjunct for over ten years, and in which I strive to inspire—as John inspired me—another generation of students to find and pursue their passion.

*LEADERSHIP.* So now here it is: over twenty years since I first walked through the doors of VLS. My career in that time span has included work in private practice, an international organization, the government, a U.S.-Russian joint venture selling launch services, the corporate headquarters of the largest U.S. defense contractor, and now as the General Counsel for an Italian-owned U.S. defense contractor that builds naval combat ships. It has been incredibly fulfilling and satisfying—an amazing fact for someone who had never intended to become a lawyer.

I could not have planned for any of this, nor could I have figured it out on my own. Acknowledgement and credit for how I found (and continue to find) my true path belongs to those individuals that modeled leadership to me at formative points in my life, and held true to the qualities that inspire others to be the best that they can be.

We live in uncertain and perilous times. We live in an age where there are fewer leaders than there need to be, fewer visionaries than there should be, and fewer individuals with an unwavering commitment to mentoring others and a firm belief in the importance of the rule of law in bettering the human condition than there ought to be. These are the qualities that John has carried throughout his own life, and which he has generously shared with others—such as me—to their benefit. His passion, compassion, and love of learning and teaching have been inspirational to many, and I am thankful to be among those who are lucky enough to be graced with his guidance, his intellect, his mentorship, and his friendship.

*Angeline G. Chen*  
*VP, General Counsel and Chief Compliance Officer*  
*Marinette Marine Corporation / Fincantieri Marine Group*



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## A TRIBUTE IN HONOR OF PROFESSOR JOHN MURPHY

I am in my second year at the Harvard Kennedy School, where I focus on foreign relations and international security, and plan to enter the field of nuclear nonproliferation. When I applied to the Kennedy School, I was asked to describe what influenced me to apply to the school and pursue a career in public service.

It was an easy essay for me to write. I pointed directly to John Murphy and the impact that he and his courses had on me throughout law school and beyond.

Ten years ago, I arrived at Villanova University to begin law school. Having majored in music during my college years, I was searching for a field for which I could feel as much passion as I had for music.

In the fall of 2002, I took John's Public International Law class. Public international law was a completely new subject to me, but it captured me, particularly because it was so relevant to what was going on in the world at that time. The United States was laying the groundwork to go to war in Iraq, courting the United Nations Security Council and Congress for votes to authorize the use of force.

I loved the course so much that I took every one of John's other three courses: International Human Rights, International Finance, and International Business Transactions.

John's courses inspired my passion for the subjects of foreign relations and security, but his commitment to service, both in government and academia, and his pursuit of knowledge inspired my own desire to serve.

John had, of course, told me about his time at the Office of the Legal Adviser at the Department of State and he had arranged for the International Law Society to visit OLA on a fall trip to Washington D.C. I left the trip inspired to eventually follow in John's footsteps.

John saw my interest and from then on became my constant cheerleader, always encouraging and believing in me. He knew that I had to wait to become a U.S. citizen before I could have the chance to serve the U.S. government, so, over the years, he would frequently check in to see whether I had become a citizen. I was happy to finally inform him almost two years ago that I was.

John was a source of inspiration for me, but he was also a mentor and adviser who was always ready to help me with a recommendation, encouragement, or advice about my future. It was particularly during the period two years ago when I decided to return to school to study foreign relations that he played a major role in changing the trajectory of my life and career. I can say without hesitation that, were it not for John's encouragement and support, the probability that I would have made the leap back to

school to follow my dream to go into public service would have been significantly lower.

I will be graduating from Harvard next May. I do not yet know where I will be, but I know what I will be doing and where I will be going. I will be embarking on a course set long ago in John's classroom. No matter where I end up, at each turn, I will always look back and thank him for inspiring me and pushing me forward.

It is truly an honor to have known John Murphy as professor, mentor, and, most importantly, as friend.

*Samantha Pitts-Kiefer  
Villanova University School of Law, Class of 2004*

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A TRIBUTE IN HONOR OF PROFESSOR JOHN MURPHY

I went to law school for all the wrong reasons. I had graduated from an Ivy League university with good grades only to find myself in the middle of a recession. I thought I wanted to be an arts photographer, but I couldn't even find a freelance job doing commercial photography. I ended up as a bellhop at a local hotel.

I backed into going to law school as a way to escape that dead end job. I thought law school would give me more career options than other graduate programs. I had no particular interest in the law; none of my relatives were lawyers.

I discovered that law could be intellectually stimulating when I took Professor Murphy's international law class. Professor Murphy engaged us in deep questions: What is the role of law in international relations? What is the role of courts in reviewing foreign policy decisions by Congress or the executive branch? Can individuals or states use international law to advance human rights? Most importantly, he made international law exciting. Because of his class I decided to practice international law after graduation.

Now I teach law as an adjunct, and try to instill in my students the same intellectual curiosity that Professor Murphy imbued in me and countless other students. I am indebted to him for turning my mistaken reasons for going to law school into a satisfying career.

*Stephen Yale-Loehr*  
*Adjunct Professor of Immigration Law*  
*Cornell University Law School*

