

Hon. James E. Baker
Professor of Law
Director, Institute for Security Policy and Law
Professor of Public Administration, Maxwell School of Citizenship
and Public Affairs (by courtesy appointment)

Forthcoming

Artificial Intelligence (with Laurie Hobart), in REFERENCE MANUAL ON SCIENTIFIC EVIDENCE (4TH ED., FORTHCOMING 2024).

Stepladders and Pole Vaults: A Guide to National Security Legal Positions and Careers (forthcoming 2024).

AI and the Future of Power, 51 AM. REV. PUB. ADMIN. __ (reviewing DARRELL M. WEST & JOHN R. ALLEN, TURNING POINT: POLICY MAKING IN THE ERA OF ARTIFICIAL INTELLIGENCE).

Books

AN INTRODUCTION TO ARTIFICIAL INTELLIGENCE FOR FEDERAL JUDGES (with LAURIE N. HOBART & MATTHEW MITTELSTEADT) (2023).

THE CENTAUR'S DILEMMA: NATIONAL SECURITY LAW FOR THE COMING AI REVOLUTION (2020).

IN THE COMMON DEFENSE: NATIONAL SECURITY LAW FOR PERILOUS TIMES (2007).

REGULATING COVERT ACTION: PRACTICES, CONTEXTS, AND POLICIES OF COVERT COERCION ABROAD IN INTERNATIONAL AND AMERICAN LAW (with W. MICHAEL REISMAN) (1992).

Law Review and Other Scholarly Articles

Staying Left of Boom: The Central and Essential Role of the NSC, 12 J. NAT'L SECURITY L. & POL'Y 15 (2021).

From Shortages to Stockpiles: How the Defense Production Act Can Be Used to Save Lives, Make America the Global Arsenal of Public Health, and Address the Security Challenges Ahead, 11 J. NAT'L SECURITY L. & POL'Y 157 (2020).

Leadership in a Time of Pandemic: Act Well the Given Part, 11 J. NAT'L SECURITY L. & POL'Y 1 (2020).

National Security Law & Emerging Technologies: Toward a Decisional Framework – Key Takeaways from the ABA-OSU Symposium and Jirga, 15 I/S: J.L. & POL’Y FOR INFO. SOC’Y 65 (2019).

What Process is Due? The Role of Judging in National Security, 67 RUTGERS U. L. REV. 1523 (2015).

Is Military Justice Sentencing on the March? Should it be? And, if so, Where Should it Head? Court-Martial Sentencing Process, Practice, and Issues, 27 FED. SENT’G REP. 72 (2014).

The Importance of Building Fires: Lessons Learned as a Judge on the United States Court of Appeals for the Armed Forces, 15 J. APP. PRAC. & PROCESS 201 (2014).

Process, Practice, and Principle: Teaching National Security Law and the Knowledge that Matters Most, 27 GEO. J. LEGAL ETHICS 163 (2014).

The Master Mason: How Professor Baldus Built a Bridge from Learning to Law and the Legacy of Equal Justice He Leaves Behind, 97 IOWA L. REV. 1871 (2012).

Jupiter as Everyman: Michael Reisman and the Scholar as Teacher, 34 YALE J. INT’L L. 553 (2009).

What’s International Law Got to Do With It? Transnational Law and the Intelligence Mission, 28 MICH. J. INT’L L. 639 (2007).

Internet Pandemic? The Not-So-Secret and Expanding World of Child Pornography (with Melanie Krebs-Pilotti), FED. LAW., June 2006, at 50.

Letter of Appreciation: Peter Murphy Retires After a Lifetime of Dedication as Counsel to the Commandant of the Marine Corps, FED. LAW., May 2005, at 46.

LBJ’s Ghost: A Contextual Approach to Targeting Decisions and the Commander in Chief, 4 CHI. J. INT’L L. 407 (2003).

Constitutional Dignity and the Criminal Law, 174 MIL. L. REV. 125 (2002).

National Security Process and a Lawyer’s Duty: Remarks to the Senior Judge Advocate Symposium, 173 MIL. L. REV. 124 (2002).

When Lawyers Advise Presidents in Wartime: Kosovo and the Law of Armed Conflict, 55 NAVAL WAR C. REV. 11 (2002).

Book Chapters

Leadership in a Time of Pandemic: Act Well the Given Part, in COVID-19: THE LEGAL CHALLENGES (Stephen Dycus & Eugene R. Fidell eds., 2021).

From Shortages to Stockpiles: How the Defense Production Act Can be Used to Save Lives, Make America a Global Arsenal of Public Health, and Address the Security Challenges Ahead, in COVID-19: THE LEGAL CHALLENGES (Stephen Dycus & Eugene R. Fidell eds., 2021).

Are We Ready: Regulating Military Uses of AI, in THE LAW OF ARTIFICIAL INTELLIGENCE AND SMART MACHINES: UNDERSTANDING A.I. AND THE LEGAL IMPACT (Theodore F. Claypoole ed., 2019).

The Perfect Sentinel: AI Military Applications and Implications, in THE LAW OF ARTIFICIAL INTELLIGENCE AND SMART MACHINES: UNDERSTANDING A.I. AND THE LEGAL IMPACT (Theodore F. Claypoole ed., 2019).

Preface, *From Horses to Hammers: Homeland Security in Law, Doctrine, and Text* (with Harvey Rishikof), *Preface to THE SOURCEBOOK OF PUBLIC-PRIVATE PARTNERSHIPS FOR SECURITY AND RESILIENCE: A COMPENDIUM OF LAWS AND POLICY DOCUMENTS* (Susan Ginsburg et al. eds., 2018).

Foreword to THE U.S. INTELLIGENCE COMMUNITY LAW SOURCEBOOK (Andrew Borene et al. eds., 6th ed. 2017).

From Cold War to Long War to Gray War: Covert Action in U.S. Legal Context, in ESSENTIALS OF STRATEGIC INTELLIGENCE (Loch K. Johnson ed., 2015).

Foreword to MILITARY RULES OF EVIDENCE MANUAL (STEPHEN A. SALZBURG, LEE D. SCHINASI, DAVID A. SCHLUETER & VICTOR M. HANSEN) (2015) (8th ed. 2015).

National Security Process: Constitutional Context, Presidential Process, and the Role of the Lawyer, in NATIONAL SECURITY LAW & POLICY (John Norton Moore et al. eds., 3rd ed. 2015).

Fair Justice – Fair Order: The Why, the What, the How, and Maybe even the Whether of Military Justice, Foreword to COURT-MARTIAL PROCEDURE (FRANCIS A. GILLIGAN & FREDERIC I. LEDERER) (4th ed. 2015).

Foreword to ANTICIPATIVE CRIMINAL INVESTIGATION: THEORY AND COUNTERTERRORISM PRACTICE IN THE NETHERLANDS AND THE UNITED STATES (MARIANNE F.H. HIRSCH BALLIN) (2012).

Exercising Discretion in the Middle Grey: Model Rules and Role Models in the Ethical Practice of National Security Law, in U.S. INTELLIGENCE COMMUNITY LAW SOURCEBOOK (Andrew M. Borene ed., 3rd ed. 2012).

Prelude to Decision: Michael Reisman, the Intelligence Function, and a Scholar's Study of Intelligence in Law, Process, and Values, in LOOKING TO THE FUTURE: ESSAYS ON INTERNATIONAL LAW IN HONOR OF W. MICHAEL REISMAN (Mahnoush H. Arsanjani et al. eds., 2011).

Covert Action: United States Law in Substance, Process, and Practice, in THE OXFORD HANDBOOK OF NATIONAL SECURITY INTELLIGENCE (Loch K. Johnson ed., 2010).

From Cold War to Long War: Covert Action in U.S. Legal Context, in 3 STRATEGIC INTELLIGENCE (Loch K. Johnson ed., 2007).

National Security Process: Process, Decision, and the Role of the Lawyer, in NATIONAL SECURITY LAW (John Norton Moore & Robert F. Turner eds., 2nd ed. 2005.)

Reports, News and Commentary

AI for Judges: A Framework (with Laurie N. Hobart & Matthew G. Mittelsteadt), CSET POLICY BRIEF (Ctr. for Security & Emerging Tech., Walsh Sch. of Foreign Service., Geo. U.), Dec. 2021, <https://cset.georgetown.edu/publication/ai-for-judges/>.

National Security Law and the Coming AI Revolution: Observations from a Symposium Hosted by Syracuse University Institute for Security Policy and Law and Georgetown Center for Security and Emerging Technology, Oct. 29, 2020 (with Laurie Hobart, Matt Mittelsteadt, and John Cherry) (2021), <https://cset.georgetown.edu/wp-content/uploads/Symposium-Report-National-Security-Law-and-the-Coming-AI-Revolution.pdf>.

Ethics and Artificial Intelligence: A Policymaker's Introduction, CSET POLICY BRIEF (Ctr. for Security & Emerging Tech., Walsh Sch. of Foreign Service, Geo. U.), Apr. 2021, <https://cset.georgetown.edu/publication/ethics-and-artificial-intelligence/>.

A DPA for the 21st Century: Securing America's AI National Security Innovation Base, CSET POLICY BRIEF (Ctr. for Sec. & Emerging Tech, Walsh Sch. of Foreign Serv., Georgetown Univ.), Apr. 2021, <https://cset.georgetown.edu/publication/a-dpa-for-the-21st-century/>.

Good Governance Paper No. 21: Obedience to Orders, Lawful Orders, and the Military's Constitutional Compact, JUST SECURITY, Nov. 2, 2020, <https://www.justsecurity.org/73221/good-governance-paper-no-21-obedience-to-orders-lawful-orders-and-the-militarys-constitutional-compact/>.

Opinion, It's High Time We Fought This Virus the American Way, N.Y. TIMES, Apr. 3, 2020, <https://www.nytimes.com/2020/04/03/opinion/defense-protection-act-covid.html>.

Use the Defense Production Act to Flatten the Curve, JUST SECURITY, Mar. 20, 2020, <https://www.justsecurity.org/69275/use-the-defense-production-act-to-flatten-the-curve/>

Between Hacks and Hostilities: Are the US Government and Private Sector Ready for Persistent Engagement?, A.B.A. J., May 9, 2019, <https://www.abajournal.com/news/article/between-hacks-and-hostilities-are-the-us-government-and-private-sector-ready-for-persistent-engagement>.

Artificial Intelligence and National Security Law: A Dangerous Nonchalance, STARR FORUM REP. (MIT Center for Int'l Stud.), May 25, 2018, <https://cis.mit.edu/publications/starr-forum-report/18-01-report>.

The Future of the U.S. Military Commissions: Legal and Policy Issues (with Laura Dickinson), JUST SECURITY, May 8, 2018, <https://www.justsecurity.org/55865/future-u-s-military-commissions-legal-policy-issues/>.

The U.S. Military Commissions: Looking Forward (with Laura Dickinson), Report, ABA, Standing Committee on L. & Nat'l Security (2018), available at: https://www.americanbar.org/content/dam/aba/administrative/law_national_security/ABAMilitaryCommissionsWorkshopFINAL.pdf.

The NSC in Transition: Organizing the National Security Council, Process, and Staff in the Next Administration, 1 GOVERNMENT, PROCESS & STRUCTURE PROJECT (ABA, Standing Committee on L. & Nat'l Security) 5 (2017), available at: https://www.americanbar.org/groups/public_services/law_national_security/resources/gov_process_structure.html (last visited April 22, 2019).

The Twenty Year Test: Principles for an Enduring Counterterrorism Legal Architecture, 2 ADVANCE: J. OF THE ACS ISSUE GROUPS (Am. Const. Soc'y for L. & Pol'y), Fall 2008, at 21, available at: <https://www.acslaw.org/journal/advance-fall-2008/> (last visited April 22, 2019).

A Running Start: Getting "Law Ready" During a Presidential Transition, ABA NAT'L SECURITY L. REP. (Sept./Oct. 2008) at 2.

National Security Presidency in Constitutional Context: Reflections on Terrorism and the Presidency from the last Ten Years, 19 MILLER CENTER REP. 12 (2003).

The Constitutional Duty of a National Security Lawyer in a Time of Terror, 10 PUB. LAW. 3 (2002).

Ordered Liberty and the Homeland Security Mission, 11 PUB. LAW. 6 (2003).