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**and Public Affairs (by courtesy appointment)**

**Forthcoming**

*A Judicial Guide to Artificial Intelligence* (with Laurie Hobart and Matthew Mittelsteadt), (forthcoming 2022).

AI and the Future of Power, 51 AM. REV. PUB. ADMIN. \_\_ (forthcoming 2022) (reviewing DARRELL M. WEST & JOHN R. ALLEN, TURNING POINT: POLICY MAKING IN THE ERA OF ARTIFICIAL INTELLIGENCE (2020)).

**Books**

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).

**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., 6<sup>th</sup> 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) (8<sup>th</sup> 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., 3<sup>rd</sup> 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) (4<sup>th</sup> 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., 3<sup>rd</sup> 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., 2<sup>nd</sup> ed. 2005.)

### **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).

### **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 21<sup>st</sup> 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/>.

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*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](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](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).