

# JAMES E. BAKER

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## ACADEMIC EXPERIENCE

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**Professor, Syracuse University College of Law, The Maxwell School of Citizenship and Public Affairs, and Director, Syracuse University Institute for Security Policy and Law, 2018-Present.** Direct a multidisciplinary center for the study of national security law and policy, including emerging technologies, armed conflict, counterterrorism, and intelligence practice. Graduate and undergraduate courses include National Security Law, Emerging Technologies and Global Security, Central Challenges in National Security Law & Policy, Intelligence Law, National Security Negotiations, Space Law and Policy, and National Security Ethics. In response to Russia's full-scale invasion of Ukraine, the Institute created a network of scholars, universities, and civil society organizations in the frontline states to advance a law-based vision of national security responding to Russian aggression and disinformation and providing for European, NATO, and U.S. security. It now includes partners in Norway, Estonia, Latvia, Lithuania, Poland, Slovakia, Ukraine, Romania, Moldova, and Georgia. Recipient of a \$500,000 grant to study Artificial Intelligence and national security law and ethics. In addition, the Institute spearheaded the University's 2019 designation as an Intelligence Community Center of Academic Excellence and leads the implementation of a \$1.2 million grant to increase diversity in the intelligence community workforce.

**Distinguished Fellow, Center for Security and Emerging Technology, Walsh School of Foreign Service, Georgetown University, 2019-2022.**

Advisor and contributor to the work of leading Center studying the security impacts of emerging technologies and delivering nonpartisan analysis to the policy community.

**Robert E. Wilhelm Fellow, Center for International Studies, Massachusetts Institute of Technology, 2017-2018.**

An annual fellowship awarded to an individual who has held senior positions in public life. "The fellowship seeks to bridge the worlds of the scholar and the policymaker by offering each a place to exchange perspectives and by encouraging academics to work on policy-relevant problems."

Wilhelm Fellows have included Prime Minister Ranil Wickremesinghe (Sri Lanka); David Miliband (U.K. Foreign Secretary); and Admiral William Fallon (U.S. Central Command). Conducted research for *The Centaur's Dilemma: National Security Law for the Coming AI Revolution* (Brookings: 2021) and led an ad hoc seminar for military fellows.

**Visiting Professor, Georgetown University Law Center, 2015-2017.**

Responsible for six courses per year, including three national security seminars incorporating tabletop exercises, a legal ethics seminar exploring legal ethics through the positive example of role models, Federal Courts, and a course on leadership.

**Adjunct Positions while serving as a Judge:**

**Distinguished Fellow, Center for National Security Law, University of Virginia Law School, 1995-2020.**

National Security Law Institute instructor for over twenty years.

**Faculty, International Institute of Humanitarian Law, San Remo, Italy, 2013–2016.**

**Adjunct Professor, Georgetown Law School, Washington, D.C., 2004–2015** (6 credits per year).

**Adjunct Professor, University of Iowa College of Law, Iowa City, IA, 2004–2015** (1 credit per year). Offered tenure-track position in 2000, which I declined in favor of becoming a judge.

**Adjunct Professor, Washington University School of Law, St. Louis, MO, 2012–2015** (1 credit per year).

**Adjunct Professor, University of Pittsburgh School of Law, Pittsburgh, PA, 2009–2012** (1 credit per year).

**Visiting Lecturer, Yale Law School, New Haven, Connecticut, 2001–2004** (2 Credits per year).

#### GOVERNMENT EXPERIENCE

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**Judge, Data Protection Review Court (DPRC), 2023-Present.**

The DPRC is an independent court established in 2023 within the Department of Justice. It serves as the second level of the redress process established by the President through Executive Order 14086, to strengthen safeguards for U.S. signals intelligence activities. The DPRC independently reviews determinations made by the Civil Liberties Protection Officer of the Office of the Director of National Intelligence (ODNI) in response to qualifying complaints alleging violations of U.S. law in the conduct of U.S. signals intelligence activities. Judges on the court hold TS/SCI clearances and are Special Government Employees serving on a part-time and as needed basis.

**Biden Presidential Transition National Security/Foreign Policy Team, August 2020-January 20, 2021 (Non-Public Volunteer).**

Legal advisor to the “Covid Team,” providing advice on, among other topics, constitutional and statutory authorities to respond to the coronavirus pandemic, supply chain authorities, and the organization of the executive branch; reviewed and edited action plans; drafted numerous presidential executive actions issued during the first week of the Biden administration.

**Consultant, Intelligence Advanced Research Projects Activity, 2017-2018.**

Reported to the Director of IARPA on U.S. and international law, norms, and codes of conduct relating to emerging science and technology areas, with a focus on artificial intelligence, culminating in a 250-page report. (This work was subcontracted through Booz Allen Hamilton.)

**Chief Judge (2011–2015), Associate Judge (2000–2011), Senior Judge (2015-Present), United States Court of Appeals for the Armed Forces.**

Served as the principal administrative officer and presiding judge of the Article I federal court of appeals responsible for reviewing cases under the Uniform Code of Military Justice. Decisions of the Court are appealable to the U.S. Supreme Court. Author of almost 300 opinions addressing criminal law, criminal procedure, the First, Fourth, Fifth and Sixth Amendments, rules of evidence, and jurisdiction. Responsible for a docket of approximately 1,000 petitions per year, a \$14 million budget, a staff of sixty, and the court’s security. Represented the Court before domestic and international audiences.

**Special Assistant to the President and Legal Adviser to the National Security Council (1997-2000), Deputy Legal Adviser (1994–1997).**

As a career civil servant, advised the President, Vice President, the National Security Council (NSC), and the NSC staff on U.S. and international law related to, among other topics, intelligence, counterterrorism, foreign assistance, non-proliferation, and military operations. Led and coordinated the interagency legal process across executive departments on national security law issues. Served as “agency general counsel,” addressing personnel, fiscal, legislative, investigatory, and litigation matters. Served as Designated Agency Ethics Official for the National Security Council.

**Counsel to the President’s Foreign Intelligence Advisory Board and Intelligence Oversight Board, 1993-1994.**

Served as legal counsel to board comprised of former senior defense and intelligence officials as well as private citizens charged with providing the President input and advice on intelligence matters. Initiated and crafted the reorganization of the President’s Intelligence Oversight Board, a subcommittee of the larger Board responsible for oversight. Contributing author of a report to the President on intelligence relating to U.S. policy and military operations in Somalia between 1992 and 1993.

**Attorney-Adviser, Office of the Legal Adviser, United States Department of State, 1990–1993.**

Served as line attorney for the Intelligence & Research, Counterterrorism, and Diplomatic Security Bureaus, while also responsible for U.S. extradition and mutual legal assistance practice with designated countries in the Middle East, Africa, and Europe. In addition, served as the Department’s liaison to the Iran/Contra Independent Counsel and Iran/Contra Interagency Classification Review Group. Toward this end, recruited, organized, and led a team of retired Foreign Service Officers recognized with the State Department’s Superior Honor Award. During second rotation, served as legal adviser to U.S. delegations to the Convention on Long-Range Transboundary Air Pollution, the Convention to Combat Desertification, and to the International Maritime Organization.

**Legislative Aide and Acting Chief of Staff to Senator Daniel Patrick Moynihan, 1985–1987.**

Performed duties as assigned by Senator Moynihan including legislative review and drafting in the defense, intelligence, and law enforcement areas; domestic and foreign travel with the Senator; and service as Chief of Staff. Organized and led 57 professional and administrative staff, including design and implementation of the office’s first formal staff and salary structure within a performance management framework.

**Infantry Officer, United States Marine Corps (1982-1985); Marine Corps Reserve (1979–2000).**

Platoon leader, weapons platoon leader, company executive officer, and aide-de-camp to the Commanding General of Marine Corps Base, Camp Lejeune. Authored revised Marine Corps Counterinsurgency Field Manual as a reserve officer. Twice awarded the Navy Achievement Medal. Holder of the Marine Corps Combat Endurance Course Record.

BOARDS

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**Board of Trustees, Bishop Ludden Junior Senior High School (7-12<sup>th</sup> grade), Syracuse, New York, Member, 2021-Present.**

Chair of the Governance Committee with responsibility over establishing board best practices, including ethics, bylaws, and member selection.

**National Academy of Public Administration (NAPA),** Chair, NAPA Panel overseeing a congressionally directed NAPA-Federal Judicial Center study “Enhancing Efforts to Coordinate Best Workplace Practices Across the Judiciary,” 2023-2024.

**Board of Trustees, The Langley School, McLean, Virginia, Chairman (2012–2016), Member (2008–2012).**

Three times elected Chair of the Board of Trustees of a 500-student pre-school through eighth grade independent school. During tenure as Chair, the School selected and successfully transitioned a new Head of School, built a fully funded 28,000 square foot Middle School facility, successfully completed the School’s ten-year accreditation review, and developed the School’s next strategic plan. As a Board Member, served as Chair of the Head of School Search Committee, Chair of the Governance Committee, and member of the Development, Finance, and Facilities Committees.

**Member, Vice Chair & Acting Chair, Public Interest Declassification Board, 2016-2020.**

Presidential designee (Obama) to advisory committee established by Congress in 2000 to promote the “fullest possible access to a thorough, accurate, and reliable documentary record of significant U.S. national security decisions and activities.” The Board advises and reports to the President on reforming the system of classification and declassification of government records.

**Member, Board of Directors, American Bar Association Rule of Law Initiative, 2018-2021.**

Provide advice and oversight regarding implementation of global programs and rule of law grants. Participated in projects directed to rule of law initiatives involving Ukraine and Georgia.

**Chair, ABA Standing Committee on Law and National Security, 2015-2018.**

Served as the Chair of the standing committee responsible for the ABA’s program of scholarship, conferences, workshops, and publications on national security law. The nonpartisan committee of eleven and advisory committee of twenty-two seek to promote public knowledge of, and careers in, the field of national security law. As Chair, I expanded the Committee’s academic sponsors from three to eight schools representing a cross-section of American education. I also started the National Security Law Today podcast (now with over 200 episodes).

**Member, Advisory Member, and Special Advisor,** Standing Committee on Law and National Security, American Bar Association, 2001–2015.

**Editorial Board Member,** JOURNAL OF NATIONAL SECURITY LAW & POLICY, 2012–2022.

## EDUCATION

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**Yale Law School,** J.D., 1990.

States Attorney Clinical program, Director 1989-1990; co-author of *Regulating Covert Action* (Yale: 1992); principal author of the revised Marine Corps *Field Manual on Counterinsurgency*.

**Yale College,** B.A., *cum laude*, Distinction in History, Ellsworth Memorial Prize, 1982.

Varsity Cross-Country and Track, 1978-1982.

## HONORS

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**Fellow, National Academy of Public Administration, 2019.** Elected a 2019 Fellow. NAPA is a congressionally chartered non-partisan non-profit Academy. Its mission is “to improve governance and advance the field of public administration.”

**Lifesaving Award, 2011**, Fairfax County Fire and Rescue Department.

**Buckingham Browne & Nichols School Distinguished Alumnus Award, 2010.** Award given to alumni “who embody the qualities of honor, scholarship, and kindness for which the School stands.”

**Honorary Master’s Degree, Military Art and Science, 2009.** United States Army Command and General Staff College.

**Central Intelligence Agency Director’s Award, 2000.** Award given in recognition of outstanding service in advancing and protecting the most challenging intelligence matters in the formulation of national security policy.

**Samuel Nelson Drew Memorial Award, 1999.** The National Security Council’s highest award for “distinguished contributions to the foundation of peaceful, cooperative relationships between states.”

**Henry Edwards Ellsworth Memorial Prize, Yale College, 1982.** The Jonathan Edwards College prize for the senior who has written “the most distinguished essay or carried out the most significant piece of research during the year.”

**The Commandant’s Trophy, 1981.** The Marine Corps award for the officer candidate finishing first in his class who has demonstrated exceptional academic performance, physical fitness, and leadership in Officer Candidates School.

## **PUBLICATIONS**

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### **BOOKS**

A JUDICIAL GUIDE TO ARTIFICIAL INTELLIGENCE (with Laurie Hobart and Matthew Mittelsteadt)(a Federal Judicial Center Booklet, 2023).

THE CENTAUR'S DILEMMA: NATIONAL SECURITY LAW FOR THE COMING AI REVOLUTION (Brookings, 2021).

IN THE COMMON DEFENSE: NATIONAL SECURITY LAW FOR PERILOUS TIMES (Cambridge University Press, 2007).

REGULATING COVERT ACTION (with Michael Reisman) (Yale University Press, 1992).

### **CHAPTERS**

*Practicing at the Speed of Relevance: Emerging Technologies and the Changing Nature of National Security Law*, forthcoming in a book on national security and technology accepted for publication by Edward Elgar Publishing.

*Promise and Peril: The Next Ten Years of National Security AI and Its Regulation*, also for Edward Elgar.

*Artificial Intelligence* (working title with Laurie Hobart), in REFERENCE MANUAL ON SCIENTIFIC EVIDENCE, Fourth Edition (National Academies of Sciences: forthcoming 2024).

*Leadership in a Time of Pandemic: Act Well the Given Part*, in COVID-19: THE LEGAL CHALLENGES (Carolina Academic Press, October 2020) (drawn from the JNSLP special edition).

*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 (Carolina Academic Press, October 2020) (drawn from the JNSLP special edition).

*The Perfect Sentinel: AI Military Applications and Implications*, in THE LAW OF ARTIFICIAL INTELLIGENCE AND SMART MACHINES (American Bar Association, 2019).

*Are We Ready: Regulating Military Uses of AI*, in THE LAW OF ARTIFICIAL INTELLIGENCE AND SMART MACHINES (American Bar Association, 2019).

*From Horses to Hammers: Homeland Security in Law, Doctrine, and Text*, Preface, SOURCEBOOK FOR PUBLIC PRIVATE PARTNERSHIPS FOR SECURITY AND RESILIENCE (American Bar Association, 2017).

*Bridging the Gap*, Foreword to THE U.S. INTELLIGENCE COMMUNITY LAW SOURCEBOOK (American Bar Association, 3d ed., 2016).

*From Cold War to Long War to Gray War: Covert Action in U.S. Legal Context*, in ESSENTIALS OF STRATEGIC INTELLIGENCE (Loch Johnson ed., ABC-CLIO Publishers 2015) (best of anthology drawn from updated five-volume Praeger PSI Strategic Intelligence).

*On Evidence – Foreword* to SALTZBURG, SCHINASI, SCHLUETER, AND HANSEN, MILITARY RULES OF EVIDENCE MANUAL, Eighth Ed. (LexisNexis 2015).

*National Security Process*, in NATIONAL SECURITY LAW (Moore & Turner eds., 3d Ed., Carolina Academic Press 2015).

*Fair Justice – Good Order: The Why, the What, the How, and Even the Whether of Military Justice*, Foreword to F. GILLIGAN & F. LEDERER, COURT-MARTIAL PROCEDURE (Matthew Bender 5th ed. 2015).

Foreword to MARIANNE F.H. HIRSCH BALLIN, ANTICIPATIVE CRIMINAL INVESTIGATION: THEORY AND COUNTERTERRORISM PRACTICE IN THE NETHERLANDS AND THE UNITED STATES (T.M.C. Asser Press/Springer 2012).

*Exercising Discretion in the Middle Grey: Model Rules and Role Models in the Ethical Practice of National Security Law*, in THE U.S. INTELLIGENCE COMMUNITY LAW SOURCEBOOK (American Bar Association, 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, Jacob Katz Cogan, Robert D. Sloane & Siegfried Wiessner eds., 2010).

*Covert Action: United States Law in Substance, Process and Practice*, in THE OXFORD HANDBOOK OF NATIONAL SECURITY INTELLIGENCE (Oxford University Press 2010).

*From Cold War to Long War: Covert Action in U.S. Legal Context*, in STRATEGIC INTELLIGENCE (Loch Johnson ed., Greenwood Publishing Group 2007).

*National Security Process*, in NATIONAL SECURITY LAW (J.N. Moore et al. eds., Carolina Academic Press 2005).

#### **ARTICLES AND REPORTS**

*Reisman's Rules: Placing Intelligence and Collective Security in Context Two Years After Russia's Full-scale Invasion of Ukraine*, Yale Journal of International Law (forthcoming 2024).

*Mobilization and Recruitment in Ukraine: Challenges and Solutions* (with RJ Naperkowski) presented at the Ministry of Defense of Ukraine, International Academic Forum, Military Innovations in Contemporary Warfare, Kyiv, Ukraine April 19, 2024, pending publication by GlobSec.

*A Combined Arms Response to Disinformation*, with Lotta Lampela, THE JOURNAL OF THE LATVIAN ASSOCIATION OF POLITICAL SCIENTISTS, 2023.

*Ukraine Lessons Learned – Chapter One: Does Law Matter?* SYRACUSE LAW REVIEW, Vol. 73: 423 (2023)

*A Policy of Heroes: Why Veterans Affairs is a National Security Concern for Ukraine & How to Move from a Soviet Pensioner's Model of Veterans Affairs to a Citizen Soldier's*, August 2023, report provided to the Ministry of Veterans Affairs of Ukraine and the USG.

*Stepladders and Pole Vaults: A Guide to National Security Legal Positions and Careers* (Open Philanthropy, 2022).

*AI for Judges: A Framework*, with Laurie Hobart and Matt Mittelsteadt (Center for Security and Emerging Technology peer-reviewed report, December 2021.)

*Staying Left of Boom: The Central and Essential Role of the NSC*, 12 J. NAT'L SEC. LAW & POL'Y 9/11 SPECIAL ADDITION (2021).

*AI and the Future of Power*, book review of TURNING POINT: POLICYMAKING IN THE ERA OF ARTIFICIAL INTELLIGENCE, by Darrell West and John Allen (Brookings, 2021) in THE AMERICAN REVIEW OF PUBLIC ADMINISTRATION (forthcoming).

*A DPA for the 21<sup>st</sup> Century: Security America's AI National Security Innovation Base*, (Center for Security and Emerging Technology peer-reviewed report, April 2021).

*Ethics and Artificial Intelligence: A Policymaker's Guide*, (Center for Security and Emerging Technology peer-reviewed report, April 2021).

*Obedience to Orders, Lawful Orders, and the Military's Constitutional Compact*, JUST SECURITY, Good Governance Papers No. 21, November 2, 2020.

Baker, et. al., *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*, October 29, 2020.

*Leadership in a Time of Pandemic: Act Well the Given Part*, JOURNAL OF NATIONAL SECURITY LAW AND POLICY, Special Edition, (September 2020).

*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*, JOURNAL OF NATIONAL SECURITY LAW AND POLICY, Special Edition, (September 2020).

*It's High Time We Fought this Virus the American Way*, Op-Ed, THE NEW YORK TIMES, April 3, 2020.

*Use the Defense Production Act to Flatten the Curve*, JUST SECURITY, March 20, 2020.

*Between Hacks and Hostilities: Are the US government and the private sector ready for persistent engagement?* ABA JOURNAL, May 9, 2019.

*National Security Law & Emerging Technologies: Toward a Decisional Framework – Key Takeaways from the ABA-OSU Symposium and Jirga*, I/S: A JOURNAL OF LAW AND POLICY FOR THE INFORMATION AGE VOL. 15 (2019).

*Artificial Intelligence and National Security Law: A Dangerous Nonchalance*, STARR FORUM REPORT, May 25, 2018, MIT Center for International Studies.

*The U.S. Military Commissions: Looking Forward*, (with Laura Dickinson), Report, ABA Standing Committee on Law and National Security (May 2018).

*The NSC in Transition: Organizing the National Security Council, Process, and Staff in the Next Administration*, American Bar Association, Standing Committee on Law and National Security (November 2016).

*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 (Fall 2014/Released Spring 2015).

*What Process is Due: The role of Judging in National Security*, The Judge Leonard I. Garth Lecture, 67 RUTGERS L. REV. VOL. 6 (Spring 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 FEDERAL SENTENCING REPORTER Issue 2 (2015).

*Process, Practice, and Principle: Teaching National Security Law and the Knowledge that Matters Most*, Vol. 27. No. 2, 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. 533 (2009).



*A Running Start: Getting “Law Ready” during a Presidential Transition*, 30 A.B.A. Nat’l Sec. L. Rep. (2008).

*The Twenty-Year Test: Principles for an Enduring Counterterrorism Legal Architecture*, 2 ADVANCE 2, J. ACS ISSUE GROUPS (2008).

*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), 53 FED. LAW. 50 (2006).

*Letter of Appreciation: Peter Murphy Retires after a Lifetime of Dedication as Counsel to the Commandant of the Marine Corps*, 52 FED. LAW. 4 (2005).

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

*The National Security Presidency in Constitutional Context: Reflections on Terrorism and the Presidency from the Last Ten Years*, 19 MILLER CTR. REPORT 12 (2003).

*The Constitutional Duty of a National Security Lawyer in a Time of Terror*, 11 PUB. LAW. 1 (2003).

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

*National Security Process and a Lawyer’s Duty*, 173 MIL. L. REV. 124 (2002).

*Ordered Liberty and the Homeland Security Mission*, 10 PUB. LAW. 2 (2002).

*When Lawyers Advise Presidents in Wartime: Kosovo and the Law of Armed Conflict*, NAVAL WAR C. REV., Winter 2002, at 11, 18.

## **INVITED LECTURES & PRESENTATIONS**

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(Illustrative Lists; I give 30-40 Lectures & Presentations per year)

### **UNITED STATES**

*Artificial Intelligence and the Judiciary*, Information Technology Advisory Council of the U.S. Courts, October 19, 2023 (with Prof. Laurie Hobart).

*Will AI Eat My Lunch or Just Take My Job*, Keynote, Indo-Pacific Judicial Colloquium on Intellectual Property, Innovation, and Technology, July 27, 2023.

*The Right Person, In the Right Place, at the Right Time*, Investiture of the Honorable Tia Johnson, United States Court of Appeals for the Armed Forces, June 9, 2023.

The Crucial Years: The Next Ten Years of ET and why DLA and the DPA are on the Frontline of National Security, Keynote, DLA General Counsel’s Conference, Richmond, Virginia, \_\_ April, 2023.

*The Crucial Years: The Next Ten Years of National Security AI Regulation*, National Intelligence University, Advanced Intelligence Law Course, November 9, 2022.

*Principle or Power: Does Law Matter?* The Hancock Symposium, Keynote Address, Westminster College, Fulton, Missouri, September 14, 2022.

*Does Law Matter: National Security Law, the War Against Ukraine, and the Role of the GAO*, GAO Defense Capabilities and Management Course, Syracuse, September 12, 2022.

*Scenarios and Lessons on Cybersecurity, Judicial Security, and Conduct*, National Chief Judges Conference, Federal Judicial Center, August 11, 2022.

*9/11 Lessons Learned*, Intelligence Community Legal Conference, May 26, 2022.

*The Centaur's Dilemma: A Public Citizen's Guide to AI its National Security Uses, Risks, and Regulation*, Tucson Committee on Foreign Relations, March 1, 2022.

*The Six Pillars of Intelligence Community Ethics*, Keynote Discussion, Intelligence Community Civil Liberties and Privacy Officers Annual Conference, January 19, 2022.

*May it Please the Bard: Judicial Writing is to Writing what Military Music is to Music*, The Fulton Conference, October 27, 2021.

*Beyond Principles: Artificial Intelligence, National Security, and Ethics*, GWU Elliott School of International Affairs, September 30, 2021.

*In the Common Defense: Countering Domestic Terrorism and Violent Extremism while Upholding Our Liberty*, National Association of Appellate Court Attorneys, August 11, 2021.

*Pomp and Perspective: Looking Forward with Hope and Optimism during a Pandemic*, Commencement Address, Bishop Ludden Junior Senior High School, Syracuse, New York, June 20, 2020.

*Starr Forum: America's Civil-Military Crisis*, webinar, Center for International Studies, MIT, June 11, 2020.

*The DPA: A Marshall Plan for Public Health?* Podcast, National Security Law Today, American Bar Association, Standing Committee on Law and National Security, April 3, 2020.

*Learning from the Past to Inform the Future of U.S.-Iran Relations*, a Conversation with Amb. Tom Pickering, Tom Ahern, and Prof. Osama Khalil, November 19, 2019, Washington D.C.

*The Centaur's Dilemma: AI, Ethics, and National Security*, Worldwide Air Force Judge Advocate CLE Conference, George Mason University, November 14, 2019.

*A Conversation with George Packer about American Leadership in the 21<sup>st</sup> Century*, Becker Lecture Series 2019, October 30, 2019, New York City.

*Deeds of Freedom: Lessons from the Cold War in a Time of Turmoil*, Westminster College and the National Churchill Museum, Fulton, Missouri, October 17, 2019.

*The Turing Test (of Process): Cybersecurity Law and Policy at Machine Speed*, Keynote Address, U.S. Cyber Command Legal Conference 2019, Andrews AFB, MD March 4, 2019.

*Things We Should be Studying and Teaching that We Are Not*, Stockton Lecture Series, Naval War College, Newport, R.I., December 18, 2018.

*National Security Process*, Dean Rusk International Law Center, Georgia School of Law, the University of Georgia, September 13, 2018.

*A Dangerous Nonchalance: Artificial Intelligence and National Security Law*, The Starr Forum, Massachusetts Institute of Technology, March 6, 2018.

*Leaders and Lawyers*, Keynote Presentation, Judge Advocate General's Worldwide CLE Conference, Charlottesville, Virginia, September 18, 2018.

*Thinking About Extremism in the 21<sup>st</sup> Century*, Keynote Panel ABA Rule of Law Initiative Annual Conference on Contemporary Rule of Law Issues: Rule of Law Approaches to Countering Violent Extremism, May 4, 2017.

*Free Speech and Sexual Harassment: When Should the Military Prosecute*, George Washington Law School, televised live by C-SPAN, April 12, 2017.

*To the Temple of Virtue: Ethical Challenges for Judge Advocates at a Time of Challenge and Conflict*, United States Court of Appeals for the Armed Forces, Continuing Legal Education and Training Program, March 9, 2017.

*Meeting the Challenges of Practicing National Security Law*, Keynote, Office of the General Counsel, National Geospatial-Intelligence Agency Off-Site January 31, 2017.

*A Higher Form of Patriotism*, Address, Georgetown Law School, Veterans Day Ceremony, November 11, 2016.

*National Security Law and Process in Transition*, United States Air Force Continuing Legal Education Conference, George Mason University, November 4, 2016.

*The Duty of a National Security Lawyer in a Time of Challenge and Change*, Remarks before the ABA Standing Committee on Law and National Security, Review of the Field Conference, November 14, 2017.

*Judges' Perspectives on Victims' Appellate Rights*, Testimony, The Judicial Proceedings Panel re: September 23, 2016.

*The Importance of Public Service*, Remarks of the Guest of Honor, Military Lawyers Committee Dining Out, San Francisco, August 5, 2016.

*Lessons Learned as a National Security Lawyer*, Office of the Chief Counsel, Transportation Security Administration, July 20, 2016.

*Veterans as Lawyers and Judges*, Law Students Veterans Conference, Washington, D.C., June 24, 2016.

*A Legal Role Model*, Investiture of the Honorable John E. Sparks, United States Court of Appeals for the Armed Forces, May 25, 2016.

*The Importance of Building Fires*, The 44<sup>th</sup> Kenneth J. Hodson Lecture, The Judge Advocate General's School, Charlottesville, Virginia, April 2016.

*Finding Your Courage to meet the Challenges of Practicing National Security Law*, IL Convocation Lecture, Syracuse University Law School, April 11, 2014.

*Ethics Challenges: From Model Rules to Role Models*, Ethics training for National Association of Attorneys General representing the 56 state and territorial Attorneys General, February 23, 2016.

*Legal Lives: The Role of Moral Courage in Upholding the Law*, The 2015 Morehouse Lecture, The Judge Advocate General's School, Maxwell Air Force Base, Montgomery, Alabama, June 2015.

*Victims' Rights and the Military Justice System*, Keynote Address, National Crime Victims Conference, Lewis & Clark Law School, May 2015.

*Mind the Gap: Security, Liberty, and Privacy*, Keynote Address, The National Summit on Homeland Security Law, Oklahoma City University School of Law on the Twentieth Anniversary of the Murrah Federal Building bombing, April 2015.

*Know What You Stand For: Current Issues in Intelligence Law and Ethics*, Washington & Lee Department of Political Science and Law School, April 2015.

Keynote Address, *Military Contractors*, National Security Law Brief Symposium, American University Law School, March 24, 2015.

*Law, Leadership, and Role Models*, Ohio State University Law School, Program on Law and Leadership, Speaker Series Keynote, November 14, 2014.

*Lasting Post: Love, Law and Laureates – Honoring Forgotten Legacies of World War I*, The William C. Crooks Distinguished Lecture, Greenwich Historical Society, Greenwich, CT, Nov. 5, 2014.

*American Bar Association, Section on National Security and the Law, Annual Keynote Speaker on Law and Ethics* (2009–Present).

*Peter M. Murphy: An Appreciation*, Eulogy, Sousa Band Hall, Marine Barracks, 8<sup>th</sup> & I, Washington, D.C., November 23, 2013.

*Civil-Military Relations in Today's National Security Context* (The Military Legal Committee of the Americas (COJUMA) Conference, United States Southern Command, Miami, Florida, 2014).

*Why do we Conduct Foreign Intelligence Surveillance? The Baker Framework for Intelligence Gathering*, Panel, George Washington Law School, May 2, 2014.

*Every Day Commemoration Day: Why the People and Voices of 9/11 Shall Never Fade* (Naval Support Activity 9/11 Commemoration Speech, Virginia, 2013).

*In Defense of Public Service* (William S. Fulton, Jr. Appellate Military Judges Conference, Washington, D.C., 2013).

*Military Justice Trends in Brief: From C.A.A.F. to Canberra* (William S. Fulton, Jr. Appellate Military Judges Conference, Washington, D.C., 2012).

*Do's, Don'ts, and Depends: Intelligence, Ethics, and the Law* (National Intelligence University, Washington, D.C., 2012).

*Five Legal Lives: Lessons in Moral Courage* (Central Intelligence Agency, Offsite, 2011).

*National Security Process* (United States Special Operations Command, Tampa, Florida, 2011).

*The Role of National Security Lawyers* (American Bar Association Breakfast, Washington D.C., 2011).

*Veterans Day: Our Day of Conscience and Remembering the Judges Who Helped Make It So* (Keynote Speaker at the Appellate Judges Education Institute Annual Conference, Washington D.C., 2011).

*Cyber Security and the Law* (Defense Policy Board Testimony, Washington D.C. 2010).

*Homeland Security: The Next Generation* (United States Pacific Command Regional Conference, Honolulu, Hawaii, 2010).

*Three Legal Lives: Lessons in Moral Courage* (The Franklin M. Loew Lecture Series, Becker College, Worcester, Massachusetts, 2010).

*Crossroads: Why Northern Command Is at the Intersection of U.S. National Security Policy and Law and Three Lessons to Guide It on Its Way* (United States Northern Command, Colorado Springs, Colorado, 2009).

*Making Targeting Decisions in Armed Conflict: U.S. Process, Substance, and Practice* (Yale Law School, New Haven, Connecticut, 2009).

*Lessons I Was Not Taught in Law School* (Franklin Pierce Law Center Commencement Address, New Hampshire, 2009).

*From Normandy to Montgomery: Frank Johnson, Moral Courage, and the Simple Language of Action* (Army Command and Staff College Commencement Address, Fort Leavenworth, Kansas, 2009).

*Making Good Choices and the Role Models Who Guide Us* (Buckingham, Browne & Nichols School, Cambridge, Massachusetts, 2008).

*National Security Process* (Project on National Security Reform, Washington D.C. 2008).

*Support and Defend: Constitutional Law and the Threat of Nuclear Terrorism* (New York University, New York, New York, 2007).

*What's International Law Got to Do with It? Good Process, Good Lawyers, Transnational Law and Better Intelligence* (University of Michigan Journal of International Law Symposium, Ann Arbor MI., 2007).

*Terrorism and the National Security Legal Agenda: Authority, Appraisal, and the American Legal Ideal*, NPR live broadcast before the Iowa City Foreign Relations Council, July 8, 2004.

*Finding True North in Times of Challenge: Honor as a Moral Compass for High School and Beyond* (The Dubois Fellowship Lecture, The Taft School, Watertown, Connecticut, 2003).

## **INTERNATIONAL (ILLUSTRATIVE LIST)**

*AI and Judges*, Suwon District Court, Republic of Korea, June 27, 2024.

*In the Arena: The Future of the International Security Architecture, Collective Security, and the role of Academia in Advancing Both*, Carol I National Defense University, Bucharest, Romania, June 26, 2024 (via videoconference).

*The AI Taegeuk and The Centaur's Choice: Lawyers, Judges, and Our Duty to the Law and the Future*, The Law Times, Legal Tech AI Forum, Seoul, Republic of Korea, June 26, 2024.

*The Greatest Generation Chapter II: Gen Z and the Reconstruction of Ukraine*, Visegrad grant program, Witow, Poland, December 4, 2023.

*American Models: How NGOs Have Helped – and can Help – Ukrainians During the War and After*, Visegrad grant program, Oravice, Slovakia, December 3, 2023.

*Why Veterans Affairs is a Vital National Security Issue*, Interview, Ukraine Media Center, Kyiv, June 27, 2024.

*Peril and Promise: Protests and Freedom in the Age of AI*, ABA ROLI Conference on Internet Freedom, Skopje, North Macedonia, November 3, 2023 (via Zoom).

*Plea-Bargaining: The U.S. Model*, Anti-Corruption Prosecution Office, Chisinau, Moldova, June 23, 2023.

*Ukraine Lessons Learned and Learning: Chapter One*, Carol I National Defense University, Bucharest, Romania, June 21, 2023.

*Regulating Covert Action: An Update*, Oxford Study Day, Oxford University, June 13, 2023.

*The Crucial Years: From Principle to Practice, the Next Ten Years of AI Regulation (and ET)*, hosted by the Finnish National Cyber Security Director, Helsinki, Finland, January 31, 2023.

*Ukraine Lessons Learned Chapter One: Issues and Agenda*, King's College London, January 13, 2023, and the University of Helsinki, January 30, 2023.

*Mahout and the Elephants: The Challenges and Rewards of Practicing Law*, Georgian Bar Association, Tbilisi, Georgia, January 25, 2023.

"Legal Grounds for Responsibility for Spreading Disinformation and Propaganda," Discussant, Ukrainian Media and Communication Institute and ABA/ROLI Conference on Disinformation and War Propaganda, November 2, 2022.

*Ukraine Lessons Learned: Chapter One*, Trnava University, Trnava, Slovakia, October 4, 2022.

*Does Law Matter – What is Next? International Law and the War Against Ukraine*, Diplomatic Academy of Ukraine, May 31, 2022.

*Does Law Matter: The Three Purposes of Law and the Elephant(s) in the Room*, The University of Bialystok, Poland, May 11, 2022.

*Does Law Matter: Improving the Learning of Theory and History in Higher Education and the Elephant in the Room*, Tashkent State University, March 16, 2022.

*Current Issues in Security: Bar Associations, Public Citizens, and the Role of Law*, The Georgian Bar Association, February 23, 2022.

*AI Tracking and Tracing: Lessons from the COVID Pandemic*, ABA, Ukraine Internet Freedom Program, June 23, 2021.

*Principles of Responsible Use of AI in Defence*, Keynote, NATO online Workshop, April 29, 2021.

*Moral Integrity and Accountability in National Security Law and Decision-making* (United States Indo-Pacific Command, Military Operations Regional Conference, Keynote, Bangkok, Thailand, June 2019).

*Yin & Yang: Getting the Most out of the Strategic Partnership Between Military Leaders and their Lawyers* (United States Pacific Command, Military Operations Regional Conference, Keynote, Brisbane, Australia, June 26, 2017).

*Judging Judges: Meeting Today's Challenges in and out of the Courtroom* (Address to the Justices and Judges of the Supreme Court, Court of Appeal, and High Courts of the Republic of Fiji, June 22, 2017).

*The Role of the Prosecutor: A Judicial Perspective* (Presentation at the Fiji Police Training Academy, June 21, 2017.)

*On Lawyering: In Court, Under Pressure, and in Life*, Three-part presentation to the Office of the Director of Public Prosecutions, Suva, Fiji, June 23, 2017).

*Essence of Decision: Presidential Process and the Role of Law and Intelligence* (International Security and Intelligence Program, Pembroke College, University of Cambridge, Cambridge, England, 2014 & 2015).

*The Rule of Law in the Military Context: What Is It? How Do You Get It? What is the Role of the Military Lawyer?* (Africa Accountability Colloquium, International Institute of Humanitarian Law, San Remo, Italy, 2014).

*The Six Cs: The Why, the What and Maybe Even the Whether of Military Justice in the 21st Century* (The South and North American Constitutional and Military Law Seminar, Superior Military Tribunal, Brasilia, Brazil, 2013).

*Command and Control: Thoughts on the Role of Command in Military Justice* (Africa Accountability Colloquium, International Institute of Humanitarian Law, San Remo, Italy, 2013).

*The Role of the Military in Advancing the Rule of Law* (World Justice Forum, The Hague, The Netherlands, 2013).

*Toward a National Security Paradigm: Targeted Killing in US Practice and Law* (T.M.C. Asser Institute/International Centre for Counterterrorism, The Hague, The Netherlands, 2012).

*Comparative Criminal Law* (University of Utrecht, The Hague, The Netherlands, 2012).

*The Intelligence Lawyer: Practice, Process, and Principles* and *The Role of the Judiciary in National Security*, (Centro de Investigación y Seguridad Nacional (CISEN), Mexico City, Mexico, 2011).

*Civil-Military Relations in Today's National Security Context* (United States European Command, Budapest, Hungary, 2010).

*Comparative Law and Military Justice* (New Zealand Law Reform Commission, Wellington, New Zealand, 2010).

*The Role of Law in National Security Decision-Making* (Jawaharlal Nehru University, New Delhi, India, 2009).

*National Security Law in Transition: Examining the First Months of the New Administration* (United Kingdom Home Office, London, England, United Kingdom, 2009).

*A National Security Legal Agenda for the Next Administration* (Pacific Command Regional Conference, Singapore, Singapore, 2008).

*Rule of Law and Civil Society* (Malaysian Bar Association, Kuala Lumpur, Malaysia, 2008).

In addition, lectured and made faculty presentations at numerous additional educational institutions, including: Brooklyn Law School, Catholic University, Columbia University, Cornell University, Duke University, Essex Community College, Fordham University, the Judge Advocate Schools, Miami University, the National Defense University, the National War College, New York University, Oxford University, Texas Tech University, the United States Air Force Academy, University of Iowa College of Law, University of Michigan, University of Washington, University of Virginia, and Vanderbilt University.

## **SELECT VIDEOS AND PODCASTS**

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On Ukraine, the law of Armed Conflict, and War Crimes:

National Security Law Today, March 17 and March 24, 2022,

<https://soundcloud.com/nsltoday/law-of-war-part-1>

[https://www.americanbar.org/groups/law\\_national\\_security/nslt/the-law-of-the-war-with-judge-james-baker-part-two/](https://www.americanbar.org/groups/law_national_security/nslt/the-law-of-the-war-with-judge-james-baker-part-two/)

Legal Talk Network, March 10, 2022

<https://podcasts.apple.com/us/podcast/aba-law-student-podcast/id1046958127?i=1000553293394>

Podcast on International Law and Russia's War of Aggression against Ukraine, with Scott Kelly "At the Water's Edge," December 2023. <https://atthewatersedge.buzzsprout.com/2264251/14187888-e7-judge-james-baker-int-l-law-and-the-ukraine-war>

Meet the Author: The Centaur's Dilemma, Law Alumni Weekend, October 7, 2020.

<https://www.youtube.com/watch?v=YpblDJHYxwU>

Starr Forum: America's Civil-Military Crisis, June 11, 2020, Center for International Studies, MIT.

<https://www.youtube.com/watch?v=L239Lk3-uaI>

"Deeds of Freedom: Lessons from the Cold War in a Time of Turmoil," October 17, 2019.

<https://www.youtube.com/watch?v=hENaavNcj8w>

"From Model Rules to Role Models: Three Legal Lives," Syracuse University College of Law Convocation, April 27, 2016.

<https://www.youtube.com/watch?v=4qgQMhlsWEQ>

Lasting Posts: Love, Law, and Laureates – The Forgotten Legacies of World War I, Greenwich Historical Society, March 10, 2015

<https://www.youtube.com/watch?v=D6YSN2DaH4U&t=62s>

ABA Podcasts re: The Centaur's Dilemma, posted October 2021.

<https://securitypolicy.syr.edu/aba-podcast-with-the-hon-james-e-baker-available-parts-1-and-2/>

"What we have Learned in the Two Decades Since 9/11," National Security Law Today, September 10, 2021.

[https://podcasts.google.com/feed/aHR0cDovL2ZlZWRzLnNvdW5kY2xvdWQuY29tL3VzZXJzL3NvdW5kY2xvdWQ6dXNlcnM6MzE0NTAyMTcyL3NvdW5kcy5yc3M/episode/dGFnOnNvdW5kY2xvdWQsMjAxMDp0cmFja3MvMTEyMjI1NzY3MQ?hl=en&ved=2ahUKewj7\\_6\\_mnKX1AhUmkYkEHRp6CpgQjrkEegQIAhAU&ep=6](https://podcasts.google.com/feed/aHR0cDovL2ZlZWRzLnNvdW5kY2xvdWQuY29tL3VzZXJzL3NvdW5kY2xvdWQ6dXNlcnM6MzE0NTAyMTcyL3NvdW5kcy5yc3M/episode/dGFnOnNvdW5kY2xvdWQsMjAxMDp0cmFja3MvMTEyMjI1NzY3MQ?hl=en&ved=2ahUKewj7_6_mnKX1AhUmkYkEHRp6CpgQjrkEegQIAhAU&ep=6)

"James Baker on Artificial Intelligence and National Security," Ipse Dixit, Feb. 23, 2021.

<https://podcasts.google.com/feed/aHR0cHM6Ly9mZWVhLnBpcHBhLmlvL3B1YmxpYy9zaG93cy9pcHNILWRpeGl0/episode/NjAzNTRmOTUxYjM4NGY3OGY2NjRmOTU4?hl=en&ved=2ahUKewibtob0naX1AhVmkIkEHbzQBbEQjrkEegQIAhAO&ep=6>

New Books in National Security: The Centaur's Dilemma, Jan. 28, 2021.

<https://podcasts.apple.com/gb/podcast/james-e-baker-centaurs-dilemma-us-national-security/id434132570?i=1000506856276>

"International and National Security during Covid-19," National Association of Public Administration, Management Matters Podcast, Season 1: Episode 11, July 20, 2020.

<https://napawash.org/podcasts/international-and-national-security-during-covid-19-with-judge-james-baker>

CSPAN appearances on Civic Education and Sexual Assault and Harassment in the Military.

<https://www.c-span.org/person/?107652/JamesEBaker>