

HARVEY RISHIKOF

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Temple Law School, Philadelphia, PA **2018 to present**

Visiting Professor of Law: Courses in Cyber, National Security,
U.S. Constitutional, Media

MITRE-FFRDC, Washington, DC **2018 to present**

Co-Principal: Cyber Supply Chain Study for the Defense Industrial Base

CSIS, Washington DC **2018 to present**

Member: Project on cybersecurity and the judiciary

John D. and Catherine T. MacArthur Foundation **2014 to present**

Co-Principal: Three-phased research project on nuclear issues

National Academy of Sciences **2016 to present**

Committee on Encryption: Law Enforcement and Intelligence

Committee Member: Examination of the tradeoffs associated with
mechanisms to provide authorized government agencies with access
to plaintext versions of encrypted information

American Bar Association Standing Committee **2009 to present**
On National Security Law, Washington, DC

Chair: Advisory Committee (2012 to present);

Co-Chair: Senior Advisor: Cyber National Task Force (2012 to present);

Chair 2009-2012: Involved in all the committee work for panels, reports, and annual
convention of national security lawyers – annual meeting over 500 national security
lawyers and professionals. Recent events – Winter 2012-14 First Meeting of Women of
National Security Law; 2012-2014 Annual *Lawyer Jurga* – first meeting of law
professors from civilian, military and intelligence teaching academies

Martinus Nijhoff/Brill Publishers, Boston, MA **2014 to present**

Senior Editor: New national security law series under development

National Defense University – INSS , Washington, DC **2014 to present**

Senior Research Fellow: Research on national security legal issues

Bar Memberships: Massachusetts, New York, Third Circuit,
D.C., Supreme Court of the United States

National Committee Appointments/Professional Organizations

Current:

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|---|-----------------|
| Board member Wilton Park (US) | 2015 to present |
| New American Foundation Cybersecurity Fellow | 2015 to present |
| MIT-Harvard Cyber Norms Conference Planning Committee | 2015 to present |
| Board of Advisors Oklahoma Law School, Homeland Institute | 2015 to present |
| Advisory Board Cybersecurity Law Inst., Georgetown University | 2013 to present |
| Board of Visitors National Intelligence University | 2011 to present |
| Harvard National Security Law Journal, Advisory Board | 2009 to present |
| Lifetime member of the Council on Foreign Relations | 2008 to present |
| Lifetime member of the American Law Institute | 2008 to present |

EMPLOYMENT HISTORY

Chicago Bridge & Iron, Baton Rouge, LA **2013 – 2018**
Outside Director: Chair Government Security Committee – CFIUS entity

Department of Defense, Washington DC **2017 - 2018**
Director Military Commissions /Convening Authority:
HQE (3 star equivalent)

Crowell & Moring, Washington, DC **2015 - 2017**
Senior Counsel: Cyber Practice Group and Government Contracting

National Defense University, Washington, DC **2014**
Dean of Faculty National War College

Drexel University, Philadelphia, PA **2012-2014**
Joint Appointment Professor of Law and iUniversity: Teaching courses in national security and cyber law; launched cybersecurity certificate program.

Office of the Director of National Intelligence
National Counterintelligence Executive (NCIX), Washington, DC **2011 - 2012**
Senior Policy Advisor: Responsible for national CI policy issues, National Policy Board, and strategic partnerships and communications with other government agencies and the private sector – e.g. *Foreign Economic Espionage Report* (2011).

National Defense University, National War College, Washington, DC **2002 – 2011**
Professor of National Security Law, Chair (2004 to 2007), Visiting Professor (2002-2004) Department of National Security Strategy: Courses in national security law, the core curriculum, military/civilian relations, social force analysis; constitutional analysis; governmental process; general administrative duties for the department.

Roger Williams University School of Law, Bristol, RI 1999–2004 (leave 2002-04)
Dean (1999-2001) and Professor of Law: Courses in national security, constitutional theory, civil liberties, evidence, criminal, property, comparative law, and skills.

Department of Justice - Federal Bureau of Investigation, Washington, DC 1997-99
Legal Counsel to the Deputy Director: Involved in legal matters effecting the Deputy Director's Office on policy, national security, terrorism, and general legal matters.

The Supreme Court of the United States, Washington, DC 1994-96
Administrative Assistant to the Chief Justice of the United States, (statutory position 28 U.S.C. § 677): Responsible for both internal Supreme Court and external judicial administrative matters including acting as a liaison to the Executive Branch, Congress, Smithsonian Institution, Federal Judicial Center, Administrative Office of the United States Courts, Supreme Court Historical Society, Judicial Fellows Program and White House Fellows Program.

Administrative Office of the United States Courts, Washington, DC 1993-94
Judicial Fellow: Involved in researching and writing of the Long-Range Plan for the Federal Courts, a study and analysis of the current issues confronting the federal courts and recommendations for the future.

Harvard University, Cambridge, MA 1991-93
Lecturer: Social Studies Department - courses included legal and social theory, American politics and international political economy; member of the Examination Board; student advisor and councilor.

Hale and Dorr, Boston, MA 1989-92
Litigation Department Associate: General civil litigation - First Amendment, Public Interest, Bankruptcy, Environmental, and Commercial.

Judge Leonard I. Garth, Newark, NJ 1988-89
U.S. Circuit Judge for the Third Circuit
Law Clerk: Bench memorandum, general legal research, teaching assistant for courses at Rutgers Law School and Seton Hall.

Harvard University, Cambridge, MA 1987-88
Lecturer: Social Studies Department - courses included legal and social theory; public policy issues.

New York University School of Law 1983-86
Teaching Assistant: Constitutional Law, 1985-86; Assistant to an Assistant U.S. Attorney: Eastern District, Brooklyn, NY, Civil Division, general civil litigation, Spring 1986; *Assistant:* Assisted Larry Sager in preparation for Second Circuit argument on Agent Orange appeal (Fall 1986); *Summer Associate:* Hawkins, Delafield & Wood, New York, NY, 1985; *Summer Associate:* Advocates for the Public Interest, Washington, DC, 1985.

Harvard University, Cambridge, MA

1978-83

Tutor/Teaching Fellow: Courses in Government, Sociology, History, and Social Studies Departments.

PUBLICATIONS

Law Reviews

Cybersecurity: Executive Orders, Legislation, Attacks and Hot Topics; with Kelly Russo, Chapman Law Review, (forthcoming 2016);

Clues of Integrity in the Legal Reasoning Process: How Judicial Biographies Shed Light on the Rule of Law; with Bernard Horowitz, SMU Law Review, Vol. 67, No. 4 (2014);

Reflections on 9-11, Ten Years Later, William Mitchell College Journal of Law, Vol. 38, No. 5 (2012);

Projecting Force in the 21st Century – Legitimacy and the Rule of Law: Title 50, Title 10, Title 18, and Art. 75; with Jeff Mustin, Rutgers Law Review, Vol. 63, No. 4 (Summer 2011);

The Liberal Tradition of the Supreme Court Clerkship: Its Rise, Fall and Reincarnation; with Bill Nelson, I. Scott Messinger, and Michael Jo, Vanderbilt Law Review, Vol. 62, No. 6 (Nov. 2009);

Boumediene – commentary, Regent Law Review, (2009);

Combating Terrorism in the Digital Age: A Clash of Doctrines – The Frontier of Sovereignty – National Security and Citizenship – The Fourth Amendment – Technology and Shifting Legal Borders, Mississippi Law Journal, Vol. 78, No. 2 (Winter 2008);

Due Process is a Strategic Choice: Legitimacy and the Establishment of an Article III National Security Court, California Western International Law Journal, (Fall 2008) with Kevin. E. Lunday;

Essays on the Future of Legal Education, The Out-of-the-Box Committee of the American Bar Association,” (part of drafting committee) (2008);

The War on Terrorism and the War on Drugs, Cornell Journal of Law and Public Policy (2007);

Silent Leges Inter Arma: The Prevention Paradigm, American University National Security Proceedings, (2007);

11/9-9/11: The Brave New World Order: Peace Through Law – Beyond Power Politics Or Peace Through Empire – Rationale Strategy And Reasonable Policy, Villanova Law Review, Vol. 50, No. 3 (2005) with Patrick Bratton;

“When Naked Came the Doctrine of “Self-Defense” What is the Proper Role of the International Court of Justice in Use of Force Cases? - Concerning Oil Platforms (Islamic Republic of Iran v. United States of America, Judgment, I.C.J. Reports 2003), The Yale Journal of International Law, Vol. 29, No. 2 (Summer 2004);

Essays in Legal Education, Journal of Legal Education, et.al, (2003) (part of drafting committee);

Framing International Rights with a Janusism Edge – Foreign Policy and Class Actions – Legal Institutions as Soft Power, The University of Chicago Law Forum (2003);

Is It Time for a Federalist Terrorist Court? Terrorists and Prosecutions: Problems, Paradigms, and Paradoxes, Volume VII, Suffolk Journal of Trial & Appellate Advocacy (2003);

Separateness but Independence, Autonomy but Reciprocity: A First Look at Federal Judges' Appearances before Legislative Committees, Mercer University Law Review, Mercer Symposium on Federal Judicial Independence, Spring 1995 (with Barbara A. Perry);

Private Governments Within Public Governments -- Revisiting Pullman, Valparaiso Law Review, Spring 1996 (with Alexander Wohl);

Rethinking the Federal Court System: Thinking the Unthinkable, Mississippi College Law Review, Volume 14, Issue 2, Part 1, 1994.

Books

ABA 50th Anniversary – Standing Committee on Law and National Security; ABA Publishing, (Joint editors) (2012);

Patriots Debate; (with Stewart Baker and Bernie Horowitz) ABA Publishing, (2012);

The National Security Enterprise: Navigating the Labyrinth; (with Roger George), Georgetown Press, (2011), 2nd Edition 2017;

The U.S. Intelligence Community Law Sourcebook – 2010, 2011, 2012, 2013, 2014, 2015; ABA Publishing (editor Andrew M. Borene);

Chapters in Books

Law and Compliance, with Conor Sullivan, in The Cyber Risk Handbook, ed. Domenic Antonucci, (John Wiley & Sons, Inc. 2017 forthcoming);

9/11 and After: Legal Issues, Lessons, and Irregular Conflict, with Nicholas Rostow, Lessons Encountered: Learning from the Long War, ed. R.D. Hooker and J.J. Collins, NDU Press, (2015);

Keeping Secrets: How the Government and the Press Adapt in a World Awash in Information, with Dina Temple-Raston, in Whistleblowers, Leaks, and the Media, ed. Paul Rosenzweig, ABA Publishing, (2014);

On Domestic Law Enforcement and Terrorism, with Renn Gade, in The Journalists' Guide to National Security Law, ed. Paul Rosenzweig, ABA Publishing, (2012);

Congress and the Paradox of Detention Policy – What is the Appropriate Due Process for Detainees in the War on Terrorism?” with Bernie Horowitz, Congress and Foreign Policy, ed. David Auerswald and Colton Campbell (Oxford Press 2011);

The Normative Shift: Sovereignty v. Intervention, America’s Security Role in a Changing World, ed. Patrick M. Cronin, (NDU Press 2009);

Understanding the Role of Northern Command in the Defense of the Homeland: The Emerging Legal Framework – Authorities and Challenges, (with Lisa L. Turner and Jeanne Meyer), ABA Homeland Security: Legal and Policy Issues, ed. Joe D. Whitley and Lynne K. Zusman, (ABA Press 2009);

Economic or Industrial Espionage – Who Is Eating America’s Lunch? How Do We Stop It? Vaults, Mirrors and Masks: Rediscovering U.S. Counterintelligence, ed. by Jennifer E. Simms and Burton Gerber; (Georgetown University Press 2009);

Piercing the Fog: National Security, Courts, Media, and the Government, Global Legal Challenges Command of the Commons, Strategic Communications and Natural Disasters, (International Law Studies - Naval War College Blue Book Series, Vol. 83, 2007);

Morals, Ethics, and Law in the Global War on Terrorism (The Long War), in Vol. 1 Countering Terrorism and Insurgency in the 21st Century: International Perspectives, ed. James J.F. Forest, (Praeger Press 2007);

Rosenberg v. United States (1953), in The Public Debate Over Controversial Supreme Court Decisions, ed. Melvin I. Urofsky, (CQ Press 2006);

Public Responses to Controversial Supreme Court Decisions: The Rosenberg Cases, Congressional Quarterly, edited Volume by Melvin Urofsky, (2005);

The Role of the Federal Bureau of Investigation in National Security, Intelligence and the National Security Strategist: Enduring Issues and Challenges, ed. Roger Z. George and Robert D. Kline, (NDU Press, Washington DC, 2004);

“I consider your crime worse than murder,” Ethel and Julius Rosenberg and Atomic Espionage, One Hundred Americans Making Constitutional History, ed. Melvin I. Urofsky, (Congressional Quarterly Press, 2004);

“Declaring sympathies with the enemy will no longer be tolerated,” Clement L. Vallandigham and Political Opposition in the Civil War, One Hundred Americans Making Constitutional History, ed. Melvin I. Urofsky, (Congressional Quarterly Press, 2004);

“The grave and probable danger rule,” Eugene Dennis, the Red Scare and the American Communist Party Conspiracy, One Hundred Americans Making Constitutional History, ed. Melvin I. Urofsky, (Congressional Quarterly Press, 2004);

Journal/Magazine/Web Articles

Cyberattacks - Breaches, Laws, Liabilities and Insurance - A Snapshot; New American Foundation Blog, forthcoming (2015);

Shattered Boundaries: Whither the Cyber Future, Calgary Public Policy Paper, with Bernard Horowitz, (2012);

Corporate Responsibility in Cybersecurity: Building International Global Standards (with Kevin Lunday), Georgetown Journal of International Affairs, (2011);

Canada’s Evolving National Security Strategy – A perspective on shifting borders – physical, technological and intellectual, National Security Forum/Chicago, (2010);

The Supreme Court Clerkship and the Polarization of the Court: Can it be Fixed (with William E. Nelson, Scott Messing, and Michael Jo) Greenbag, (2009);

Institutional Ethics: (Public Policy, Public Morals, Public Responsibility) Drawing Lines For Militant Democracies, Joint Force Quarterly, (2009);

Economic and Industrial Espionage: A Question of Counterintelligence or Law Enforcement, The National Strategy Forum Review, Spring/Summer 2009;

A National Security Court, Memo to the President 2009, Progressive Policy Institute, at <http://www.ppionline.org/ppi>;

Juridical Warfare: The Neglected Legal Instrument, Joint Force Quarterly, Issue 48, (1st Quarter 2008);

Book Review James E. Baker’s In the Common Defense, National Strategy Forum Review, Summer 2008, Vol. 17/ No.3;

The "War on Terror" and Prevention: Improving the Domestic Paradigm for the Digital Age, The National Strategy Forum Review, Winter 2007, Vol. 17, No. 1;

Posse Comitatus – Military Officer, April 2006;

National Security Worldview, The Reporter, The Year in Review, The Judge Advocate General's Corps, Vol. 33, No. 4 2006;

"Brave New World - Technology vs. Torture"- Psychopharmaceuticals and brain imaging could make prisoner interrogation more humane. Should we use them? (with Michael Schrage), Slate MSN, Posted Wednesday, Aug. 18, 2004, at 1:42 PM PT, <http://slate.msn.com/id/2105332>;

Exit, Voice, and Loyalty in the Course of Corporate Governance and the Counsel's Changing Role, The Journal of Socio-Economics 28 (1999);

Taking Law Seriously: The New Jurisprudence, State and Social Structures Newsletter, Social Science Research Council, Spring 1987;

A Review of Industrial Policy Proposals, Journal of Policy Analysis and Management, Volume 4, Number 2, 1985.

Reports (participant)

"Verification Requirements for a Nuclear Agreement with Iran," Study II Independent Task Force of the Federation of American Scientist, (2015);

"Verification Requirements for a Nuclear Agreement with Iran," Study I Independent Task Force of the Federation of American Scientist, (2014);

"Cyber Playbook," ABA Standing Committee on Law and National Security (2013, 2nd ed. 2014);

"Anticipatory Governance," National Defense University Report on Government, editor Leon Feurth, (2012);

"No More Secrets," ABA/ National Strategy Forum/McCormick Tribune Foundation Workshop Report, (2011);

"Cyber Issues," ABA/ National Strategy Forum/McCormick Tribune Foundation Workshop Report, (2009);

"Piracy – Consequences," ABA/ National Strategy Forum/McCormick Tribune Foundation Workshop Report, (2009);

“Preventive Detention – Issues” ABA/ National Strategy Forum/McCormick Tribune Foundation Workshop Report, (2009);

“Trying Terrorists in Article III Courts - Challenges and Lessons Learned,” ABA/ National Strategy Forum/McCormick Tribune Foundation Workshop Report, (2009);

“Due Process and Terrorism,” ABA/ National Strategy Forum/McCormick Tribune Foundation Workshop Report, (2007);

Colombia Report (Civilian-Military Relations), US Embassy, 2007-2008

Blue Ribbon Report on Police in Providence, 2001;

"Judicial Institutional Building," Senegal Judicial Conference Papers, Senegal, July 1998;

"Haiti Justice Sector Assessment," USAID Team Report, March/April 1997;

"Long Range Plan for the Federal Courts," for the Judicial Conference, March 1995, published January 1996.

Op-Eds

“Putting FISA into Practice,” *Guardian.co.uk*, July 24, 2008 at <http://www.guardian.co.uk/commentisfree/2008/jul/24/civilliberties.usa>;

“Lone Voice Still Leads Rehnquist,” *Baltimore Sun* OP-ED, August, 22, 2005;

“Changing the Culture of the FBI,” *The Providence Journal* OP-ED, July 27, 2002;

“A New Court for Terrorism,” *New York Times* OP-ED, June 8, 2002.

Past Public Service

ABA Advisory Committee to the Standing Committee on National Security Law, 2008-2010; Legal Advisor to the Project on National Security Review 2008-2009; participant in the McCormick *Cantigny* conferences in Chicago 2008-2009; participant in the Center for Strategic and International Security National Security Group; the American Bar Association “Out of the Box” Committee on the Future of Legal Education 2000-2008; Trustee of the Supreme Court Historical Society 1996-2006; United States Supreme Court Historical Society, member of Program Committee, 1996 to 2006; American Bar Association Foreign Law Initiative Law School Advisory Committee, 2000-2002; Trustee, Honorable John Brown Writing Competition Selection Committee, 1999 to present; Consultant to the Long-Range Planning Committee of the Judicial Conference of the United States, 1993-1994; Liaison to the Long-Range Planning Committee, International Judicial Relations Committee, Accountability Act Task Force, and the Judicial Branch Committee of the Judicial Conference and the Smithsonian Institution,

1994-1996; Trustee, Supreme Court Historical Society and member of the Executive Committee, 1994 to 1996; Executive Director, Judicial Fellows Program, 1994 to 1996; Regional Selection Committee, White House Fellows Program, 1996 .

International Service

Atlantic Council “1.5 Track” negotiations re Asia nuclear issues, 2016; Florence Conference on International Law and Island Disputes, 2014; University of Toronto – Munk Institute, 2012; Rome NATO College, Conferences on Rule of Law CENTCOM, 2011, 2012; Trip to Paris/CHEM/NATO/EU, May 2011; Wilton Park Conference: Cyber Issues - 2010; UK, 2009; Canadian Forces College – Senior Program, 2010; Wilton Park Conference: Civil Liabilities and Proliferation, UK, 2009; NATO/International Law Society, Brussels 2009; Trip to Paris/CHEM/NATO/EU, May 2009; Military/Civilian Reform Meetings, Bogotá, Colombia, 2007,2008, 2009; ICRC-Germany IHL Conference, 2008; NWC-FSL Trip to Brazil and Paraguay, April 2007; NWC-FSL India and Pakistan, May 2006/2008; NWC-FSL Trip to South East Asia, May 2005; NWC-FSL trip to the Magreb, May 2004; NWC-FSL trip to Europe (Geneva, Brussels, Paris), May 2003; USAID Seminar on Judiciary and Planning, Russia, February 2003; Harvard University Dialogues, Berlin, January 2003; Ford Foundation Program for Judicial Reform, Shanghai, China, August 2002; International Judicial Academy, Board of U.S. Advisors, 1998 to present; International Judicial Relations Committee of the Judicial Conference of the United States, appointed by Chief Justice William Rehnquist; sub-committee ABA/IJRC international coordinating group 1994-2000; Luso-American Development Fund on Judicial Reform Forum, Lisbon, Portugal, October 2001; Supreme Court of China Meeting; Beijing, October 1998; USAID Judicial Conference of Judges, Dakar, Senegal, July 1998; Russian Federation of Judges and World Bank Seminar, Russia, December 1996; USAID judicial sector review team, Haiti, November 1996 -- Co-Coordinator: Assisted Judges.

Rhode Island Public Service

Rhode Island Supreme Court -- Permanent Advisory Committee on Women and Minorities in the Courts, (Subcommittee on Education), Media Committee, Public Trust and Confidence Committee, Law Day Planning Committee 1999; Rhode Island Bar Association - Media Committee, Planning Committee/Annual Meeting 2000, 2001; Worked with NAACP Rhode Island Branch; Rhode Island Chapter American Inns of Court - Administrator; City of Providence Blue Ribbon Commission on Policing.

Selected Presentations / Symposia / Seminars

Numerous presentations to universities and organizations on judicial issues, legal/political theory and litigation concerning class actions: Committees of the Judicial Conference of the United States; Visiting Chief Justices from around the world;

Brookings Institute Forum; Close-Up; White House Fellows Program; Truman Scholars; Congressional Fellows; Model United Nations; World Bank Forum in Russia; USAID Forums in Haiti and Senegal; Rhode Island Bar Association; Harvard University; University of Pittsburgh; Chicago Law School, Tufts University; University of California, Santa Cruz; Judge Torruella and Judge Mihm in assisting in establishing the Organization of the Supreme Courts of the Americas (27 Supreme Courts of the southern cone countries); Harvard Law School; Stetson Law School; Fordham Law School; Occidental College; C-Span; St. John's, Rutgers and Seton Hall Law School Moot Courts; Sweet Briar College; American University; Spelman College; Naval War College, Center for Strategic and International Studies; Shanghai High People's Court; Morehouse College; Howard University; Luso-American Development Fund; National War College; Albany Law School; Massachusetts Institute of Technology; Connecticut Law School, George Mason Law School; Cornell Law School; Villanova Law School; Institute of Peace; Fort Bragg; Air Force Annual JAG conference; Regent Law School; Al-Jazeera TV (English); National Public Radio; Georgetown University; Cantigny Conferences; Conference on World Affairs, Colorado; Colombia-Bogotá – Civilian/Military Relations; Woodrow Wilson Institute; NYU Law School; South Texas Law School; Leavenworth Army Base; Fort Bragg; International Society of Law; Congressional Research Service; Chicago, Palm Springs - World Affairs Council; NORTHCOM; SOCOM; National Intelligence University; Canadian Forces College; National Public Radio; NATO College, Rome; Stanford University Cyber Boot Camp; IU Cyber Symposium; Naval Post Graduate School; NYU School of Law; and Cyber Command.

Honors/Awards

MacArthur Foundation Grants, 2014, 2015, 2016; DOD Joint Civilian Service Commendation Award, 2011; Teaching Award Military Officers Association of America, 2009; Rhode Island NAACP Public Service Award, 2001; Rhode Island Bar Association for Public Service, 2001; Tom Clark Award, 1993-94; Administrative Office of the Federal Courts Group and Cash Award for Long-Range Plan, 1993-1994; Harvard University Award for Teaching, 1991-93; Golieb Fellowship, 1986-87; Center for European Studies Fellow, 1981-84, 1988-90; Krupp Pre-doctoral Fellowship, 1982-83; Canada Council Fellowship, 1978-81; Center for International Affairs Grant, Summer 1982; Canada Council Fellowship, 1976-78; First Class Joint Honors, 1975; Alexander MacKenzie King Fellowship, 1975-76; University Scholar, 1972-75.

EDUCATION

National War College, MA. National Security Strategy, 2011
New York University School of Law, JD, 1986
Harvard University, Ph.D. Candidate (ABD), Government, 1978-1983, 1987-90
Brandeis University, MA. Politics Department, 1978
McGill University, BA. Political Science and English Literature, 1975

References upon request

Resume 2016