

**JON MICHAELS**  
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## **ACADEMIC APPOINTMENTS**

**UCLA School of Law**, Los Angeles, CA

Assistant Professor, 2008–2013; Professor, 2013–

*Courses:* Administrative Law; National Security Law; Redesigning the Administrative State; Entrepreneurial Government; Architects of American Democracy.

*Awards:* Two-time Recipient of the American Constitution Society’s Richard Cudahy Prize for Regulatory and Administrative Law Scholarship (2010 and 2016).

**Yale Law School**, New Haven, CT

Anne Urowsky Visiting Professor of Law, 2013–2014

*Courses:* Administrative Law; National Security Law.

## **EDUCATION**

**Yale Law School**, New Haven, CT

J.D. 2003

*Activities:* Yale Law Journal, Articles Editor.

**University of Oxford**, Worcester College, Oxford, UK

M.A. (Oxon) 2006; B.A. 2000 (Philosophy, Politics, and Economics)

*Honors:* Marshall Scholar.

**Williams College**, Williamstown, MA

B.A., *summa cum laude*, 1998 (English Literature; Political Science)

*Honors:* Harry S. Truman Scholar; *Phi Beta Kappa* (elected Junior year).

## **JUDICIAL CLERKSHIPS**

**Hon. David H. Souter**, U.S. Supreme Court, Washington, DC

2005–2006

**Hon. Guido Calabresi**, U.S. Court of Appeals for the Second Circuit, New Haven, CT

2004–2005

## **PUBLICATIONS AND WORKS IN PROGRESS**

### *BOOKS*

CONSTITUTIONAL COUP: PRIVATIZATION'S THREAT TO THE AMERICAN REPUBLIC (Harvard University Press 2017).

- Reviewed by the Harvard Law Review, Michigan Law Review, Washington Monthly, Federalist Society Review, Government Contractor, and Volokh Conspiracy.
- Excerpted in the Guardian.
- Online symposia hosted by the Yale Journal on Regulation (eight essays) and Take Care (seven essays).

### *ARTICLES AND ESSAYS*

Sovereigns, Shopkeepers, and the Separation of Powers, 166 University of Pennsylvania Law Review 861-900 (2018).

The American Deep State, 93 Notre Dame Law Review (forthcoming 2018).

Government Market Participation as Conflicted Government, in Administrative Law from the Inside Out: Essays on Themes in the Work of Jerry Mashaw 451-473 (Nicholas R. Parrillo, ed.) (Cambridge University Press 2017).

Trump and the “Deep State,” Foreign Affairs (Sept./Oct. 2017), 52-56.

The Cycles of Separation-of-Powers Jurisprudence, 126 Yale Law Journal 346-437 (2016) (with Aziz Huq).

Of Constitutional Custodians and Regulatory Rivals: An Account of the Old and New Separation of Powers, 91 New York University Law Review 227-291 (2016).

- Response essays in New York University Law Review Online by Miriam Seifter, Complementary Separation of Powers; and Bijal Shah, Toward an Intra-Agency Separation of Powers.

Separation of Powers and Centripetal Forces: Implications for the Institutional Design and Constitutionality of Our National-Security State, 83 University of Chicago Law Review 199-220 (2016).

An Enduring, Evolving Separation of Powers, 115 Columbia Law Review 515-598 (2015).

- Awarded 2016 Richard Cudahy Prize for Regulatory and Administrative Law Scholarship.
- Response essays in Columbia Law Review Sidebar by David Fontana, The Administrative Difference of Powers?; and Cristina Rodriguez, Complexity as Constraint.

Running the Government Like a Business... *Then and Now*, 128 Harvard Law Review 1152-1182 (2015) (book review essay).

Privatization's Progeny, 101 Georgetown Law Journal 1023-1088 (2013).

- Response essay in Jotwell by Anne Joseph O'Connell, Public Agencies Going Private.

Private Military Firms, the American Precedent, and the Arab Spring, 48 Stanford Journal of International Law 277-288 (2012).

The (Willingly) Fettered Executive, 97 Virginia Law Review 801-898 (2011).

Privatization's Pretensions, 77 University of Chicago Law Review 717-780 (2010).

- Awarded 2010 Richard Cudahy Prize for Regulatory and Administrative Law Scholarship.

Deputizing Homeland Security, 88 Texas Law Review 1435-1473 (2010).

- Excerpted as The Homeland Security Deputization Dilemma, 37 Administrative & Regulatory Law News 5 (Fall 2011).

All the President's Spies: Private-Public Intelligence Gathering in the War on Terror, 96 California Law Review 901-966 (2008).

Beyond Accountability: The Constitutional, Democratic, and Strategic Problems with Privatizing War, 82 Washington University Law Quarterly 1001-1127 (2004).

Deforming Welfare: How the Dominant Narratives of Devolution and Privatization Subverted Federal Welfare Reform, 34 Seton Hall Law Review 573-669 (2004).

To Promote the General Welfare: The Republican Imperative To Enhance Citizenship Welfare Rights, 111 Yale Law Journal 1457-1498 (2002) (Student Note).

Faith in the Courts? The Political and Legal Future of Federally Funded Faith-Based Initiatives, 20 Yale Law & Policy Review 183-225 (2002) (Student Note) (co-authored).

*(SELECT) GENERAL INTEREST ESSAYS AND OP-EDS*

Trump's Quiet Attack on the Regulatory State is Another Part of his Broader Class War, Slate, Dec. 22, 2017 (with Rajesh Nayak).

How the American Government Slowly Became a Business, Guardian, Dec. 18, 2017.

The War on Federal Employees, The American Prospect, Dec. 11, 2017.

Should America Also Have a Private Spying Agency?, Newsweek, Dec. 11, 2017.

How Trump is Dismantling a Pillar of the Administrative State, Guardian, Nov. 7, 2017.

Jared Kushner and Steve Bannon Want to Re-privatize the Military. That Would be a Big Mistake, Los Angeles Times, July 20, 2017.

What to do in Case of a Constitutional Crisis, CNN, Feb. 2, 2017.

The Folly of Trump's Palace Guard, CNN, Dec. 30, 2016.

Can Trump's Cabinet Makeover Work?, CNN, Dec. 17, 2016.

Businesslike Government and the Erosion of the Civil Service, Just Security, Nov. 22, 2016.

Administrative Checks and Balances, Just Security, Nov. 11, 2016.

The Founders Anticipated Trump. We Can Handle This, Los Angeles Times, Nov. 11, 2016.

*Additional essays, op-eds, etc. can be found at <http://www.jondmichaels.com/popular-press/>.*

## **LAW SCHOOL, UNIVERSITY, AND PROFESSIONAL SERVICE**

External Appointments Committee (2x; rookie chair, 2016-17); Clerkships, Academic Careers, and Student Intellectual Life Committee (4x); Faculty Colloquium Committee (3x; chair, 2014-15); Representative to the UCLA Legislative Assembly (3x).

Peer referee for the Harvard Law Review, Yale Law Journal, and Stanford Law Review.

## **LEGAL EXPERIENCE AND PROFESSIONAL ACTIVITIES**

**Take Care** (www.takecareblog.com)  
Contributing Author, 2017–

**Arnold & Porter LLP**, Washington, DC  
Associate, National Security Law and Public Policy Group, 2006–2008

**WilmerHale**, Washington, DC  
Associate, Litigation Group, 2003–2004

Council on Foreign Relations  
(Term) member, 2009–2014

Pacific Council on International Policy  
Member, 2017–

Admitted to Practice, New York; Washington, DC.