**Jon Michaels**

UCLA School of Law

405 Hilgard Avenue • Los Angeles, CA 90095

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Academic Appointments

**UCLA School of Law**, Los Angeles, CA
Assistant Professor, 2008–2013

Professor, 2013–Present

**Yale Law School**, New Haven, CT
Anne Urowsky Visiting Professor of Law, 2013–2014

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*.

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**

**Books**

Vigilante Nation (Simon & Schuster/One Signal 2024) (with David Noll).

* Reviewed by Kirkus, Publishers Weekly, and The Progressive (others forthcoming).
* Excerpted in the Los Angeles Times.
* Named “Book of the Day” by the New Books Network.

Constitutional Coup: Privatization’s Threat to the American Republic (Harvard University Press 2017).

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

**Scholarly Articles, Essays, and Book Chapters**

Vigilante Federalism, 105 Cornell Law Review 1187-1264 (2023) (with David Noll).

* Response essays in the Cornell Law Review Online by Zachary Clopton, Maryam Jamshidi, and Howard Wasserman.

Just-Right Government, 98 Indiana Law Journal 863-919 (2023) (with Emme Tyler).

Blue State Exodus, 2023 Pepperdine Law Review 58-73 (with David Noll).

Designing a Latter-Day Freedmen’s Bureau, 71 UCLA Law Review Disc. 70-89 (2023).

Abandoning Presidential Administration, 68 UCLA Law Review 104-34 (2021) (with Blake Emerson).

What About Private Options?, in Politics, Policy, and Public Options 58-79 (Ganesh Sitaraman & Anne Alstott, eds.) (Cambridge University Press 2021).

The Constitutional Contours of Privatization, in The Cambridge Handbook of Privatization 144-58 (Avihay Dorfman & Alon Harel, eds.) (Cambridge University Press 2021).

We the Shareholders: Government Market Participation in the Postliberal U.S. Political Economy, 120 Columbia Law Review 465-547 (2020).

* Delivered the 13th Annual Berkeley Law & Technology Privacy Lecture (2020), with responses by Ellen Goodman and Jamal Greene, substantially on the basis of this article.

Baller Judges, 2020 Wisconsin Law Review 411-438.

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 1653-1670 (2018).

* Response essay in Jotwell by Jodi Short.

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

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 and Bijal Shah.

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 American Constitution Society’s Richard Cudahy Prize for Regulatory and Administrative Law Scholarship.
* Response essays in Columbia Law Review Online by David Fontana and Cristina Rodriguez.

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

* Response essay in Harvard Law Review Forum by Nicholas Parrillo.

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

* Response essay in Jotwell by Anne Joseph O’Connell.

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 American Constitution Society’s 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).

**Works in Progress**

A Trial Separation (book project).

Democracy’s Dividends (book project).

From Neom to Nevada: Plutocracy, Sovereignty, and the Rule of Law in our Postliberal World (law review project).

Intra-branch Rivalry and the Internal Separation of Powers, in The Cambridge Handbook on Separation of Powers (Erin Delaney, et al., eds.) (Cambridge University Press) (book chapter, forthcoming 2025).

State-Sponsored Vigilantism Threatens Access to Care and the Public’s Health (with David Noll & Lindsay Wiley) (essay under peer review with public health journals).

**Select General Interest Op-Eds**

The Political Violence Spilling Out of Red States, Am. Prospect (Oct. 10, 2024) (with David Noll).

Jan. 6 Was Just a Start. Vigilantes Are Expanding, and Legalizing, Their Attacks, Los Angeles Times (Oct. 8, 2024) (with David Noll).

The Local Version of Project 2025 Is Already Causing Devastation, Slate, Aug. 26, 2024 (with David Noll).

A Deep State of His Own, Foreign Affairs, Jun. 10, 2024.

Solve the Insulin Pricing Problem by Getting Government into the Business, Los Angeles Times, Aug. 8, 2022.

Law Schools have a Supreme Court Problem, Chronicle of Higher Education, Jul. 18, 2022 (with Aziz Huq).

If the Supreme Court Lets Other States Copy Texas’s Abortion Law, It’ll Be Chaos, Washington Post, Jan. 10, 2022.

Why Abortion Access is a Workplace Issue, Time, Dec. 7, 2021 (with Mitra Kalita).

We are Becoming a Nation of Vigilantes, New York Times, Sept. 4, 2021 (with David Noll).

The Military Deployment to the Border is a Shameless, and Dangerous, Stunt, Washington Post, Nov. 2, 2018 (with Jeffrey Smith).

The Supreme Court’s Liberals Should Follow Conservative Justice Rehnquist’s Lead—Dissent, Dissent, Dissent, Los Angeles Times, July 20, 2018.

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.

Trump and the “Deep State,” Foreign Affairs (Sept./Oct. 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.

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

**Select Academic Posts and Op-Eds**

Administrative Law Scholars’ Wild Ride, Yale Journal on Regulation (Notice and Comment), Jul. 2, 2021.

A Constitutional Defense of the Administrative State, Regulatory Review, Dec. 17, 2019.

Multidimensional Separation(s) of Powers and Questions of Democratic Erosion, Take Care, Oct. 29, 2018.

Advancing a Left-Liberal Jurisprudence, Take Care, Oct. 16, 2018.

Tech Giants at the Crossroads: A Modest Proposal, Hoover Institution (Series Paper No. 1809) (Jul. 30, 2018).

Afterword to the Constitutional Coup Symposium (Part II), Yale Journal on Regulation (Notice and Comment), Apr. 5, 2018.

Afterword to the Constitutional Coup Symposium (Part I), Yale Journal on Regulation (Notice and Comment), Apr. 3, 2018.

Concluding Thoughts on Constitutional Coup, Take Care, Jan. 18, 2018.

You’re So Vain… You Probably Think this Book Is About You, Take Care, Jan. 8, 2018.

Why Does DHS Need a Corporate Headhunter?, Take Care, Dec. 18, 2017.

Uphold the Oath, Take Care, Sept. 7, 2017.

Congress’s Personnel Power, Take Care, Aug. 22, 2017.

Re-Privatizing the Military Would be a Big Mistake, Take Care, Jul. 24, 2017.

First Tragedy, Now Farce, Take Care, May 15, 2017 (with Frederic Bloom).

Making Bureaucracy Great Again: Trump’s New Office of Innovation, Take Care, Mar. 27, 2017.

American Cognitive Dissonance, Take Care, Mar. 17, 2017.

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

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

Government is Special, Balkinization, Jun. 6, 2014.

Executive Authority in a Post-Westphalian World, Balkinization, Oct. 1, 2009.

Law School, University, and Professional Service

External Appointments Committee (3x; chair, 1x); Internal Appointments Committee (2x; chair, 1x); Clerkship Committee (11x; chair, 3x); Academic Careers Subcommittee (6x; chair, 5x); Faculty Colloquium Committee (3x; chair, 1x); Representative to the UCLA Legislative Assembly (3x); Decanal 5-Year Review Committee (2020); Campus-wide Ad Hoc Review Committee (2018).

Peer referee for Harvard Law Review, Yale Law Journal, Stanford Law Review, Columbia Law Review, Harvard University Press, Cambridge University Press, and Stanford University Press.

Select Workshops, Paper Presentations, Lectures, and Interviews

*Law Schools and Universities*: Yale, Harvard, Stanford, Chicago, Penn, NYU, Duke, Columbia, Virginia, Berkeley, USC, Georgetown, Tel Aviv, Hebrew U., Vanderbilt, UCLA, Wash. U., George Washington, Michigan State, Ohio State, Emory, Wisconsin, Bar-Ilan, UC-Irvine, UC Law SF, Fordham, Cardozo, Texas-Austin, Illinois, Utah, Maryland, San Diego, Pepperdine, Brooklyn, Arkansas (Clinton School of Public Service), and Notre Dame.

*Think Tanks, Libraries, Commissions, and other Public Fora*: National Constitution Center, California Reparations Task Force, Council on Foreign Relations, Hoover Institution, American Constitution Society, Federalist Society, Administrative Conference of the United States, Pacific Council, Crystal Bridges Museum, National Archives, Zocalo Public Square (Los Angeles), National Commission on Military, National, and Public Service.

*Media Interviews*: BBC (television and radio), ABC and CBS (Los Angeles television affiliates), NPR (national and local affiliates), KNX (Los Angeles news radio), New York Times, Washington Post, Wall Street Journal, Los Angeles Times, San Francisco Chronicle, Guardian, Reuters, Business Insider, Time, American Prospect, New Republic, Nation, Pittsburgh Post-Gazette, Bloomberg (print and radio), Globe & Mail (Canada), KBLA (radio and podcast for *The Tavis Smiley Show*), Rick Wilson’s *The Enemies’ List* (The Lincoln Project podcast), Jason Kander’s *Majority 54* (podcast), and various print outlets in Brazil, Japan, France, Germany, South Korea, and the UK.

Legal Experience and Professional Activities

**American Law Institute**

Member, 2023–Present

**UCLA Center on Reproductive Health, Law, and Policy**

Faculty Affiliate, 2023–Present

**UCLA Safeguarding Democracy Project**

Advisory Board Member, 2022–Present

**Pacific Council on International Policy**
Member, 2017–2020

**Council on Foreign Relations**

Term member, 2008–2013

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

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

**Admitted to Practice**, New York (inactive); Washington, DC (inactive).