

CHARLES TIEFER
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EMPLOYMENT

Commissioner 2008-2011

Commissioner on the federal, statutorily-chartered, Commission on Wartime Contracting in Iraq and Afghanistan. Charged with holding hearings (typically covered on C-SPAN) and issuing interim and final reports, on issues such as the new roles of contractors in the war.

Professor 1995 to present

University of Baltimore School of Law. Teach government contracts, legislation, and legislation. During 2008-2011, just teaching one course.

General Counsel (Acting) 1993-4

Solicitor and Deputy General Counsel 1984-95

U.S. House of Representatives

Chief litigator for the House of Representatives. Argued numerous major cases on legislative process, separation of powers, and the constitutionality of statutes.

Special Deputy Chief Counsel, U.S. House Iran-Contra Committee, 1987

Assistant Senate Legal Counsel, 1979-84. Similar work to subsequent House role.

Trial Attorney, U.S. Department of Justice, Civil Rights Division, 1978-79

Court Law Clerk, U.S. Court of Appeals for the D.C. Circuit, 1977-78

EDUCATION

Law **Harvard Law School**, Cambridge, Mass.

JD, magna cum laude 1977;

Harv. Law Review 1976-7

College **Columbia College**, New York, N.Y.

BA, summa cum laude, 1974.

SELECTED PUBLICATIONS

Books

The Polarized Congress: The Post-Traditional Procedure of Its Current Struggles (University Press of America, 2016)

Government Contract Law in the Twenty-First Century (Carolina Academic Press 2012) & Teaching Manual

Veering Right (U. C. Berkeley Press 2004) (hardcover & paperback eds.)

The Semi-Sovereign Presidency: The Bush Administration's Strategy for Governing Without Congress (Westview Press 1994)(hardcover and paperback).

Government Contract Law: Cases and Materials (Carolina Academic Press 2d ed. 2004)(with William A. Shook) & Teaching Manual

Congressional Practice and Procedure (Greenwood Press, 1989) 1000 page treatise.
The Iraq Debacle, 29 U. Penn. J. Int'l L. 1-57 (2007).

Forbes.com articles

<http://www.forbes.com/sites/charlestiefer/#1dfb226047a7>

Articles

“Congressional and Presidential War Powers as a Dialogue: Analysis of the Syrian and Isis Conflicts,” Cornell J. Int'l L. (accepted 2016)

"Confronting Chaos: The Fiscal Constitution Faces Federal Shutdowns and (Almost) Debt Defaults," 43 Hofstra L. Rev. 511-561 (2014).

"Restrain 'Risky Business;' Treat High-Risk Private Security Contractors as Inherently Governmental," 50 Harv. J. on Legis. 209-237 (2013).

“Can the President and Congress Establish a Legislative Veto Mechanism for Jointly Drawing Down a Long and Controversial War?” 6 J. Nat'l Security L. & Pol'y 131-166 (2012).

“Could This Train Make it Through: The Law and Strategy of the Gold Train Case,” 15 Yale Journal on Human Rights Law and Development 129-154 (2012)

“Can Congress Make the President Step Up a War?” 71 La. L. Rev. 391 (2011).

“No More Nisour Squares: Legal Control of Private Security Contractors in Iraq and After,” 88 Or. L. Rev. 745 (2009)

“Congress’s Transformative “Republican Revolution” in 2001-2006 And the Future of One-Party Rule,” 23 J. L. & Pol. 233-282 (2007) (published at U. Va.)

“The Iraq Debacle: The Rise and Fall of Procurement-Aided Unilateralism as a Paradigm of Foreign War,” 29 U. Penn. J. Int'l Law 1-57 (Fall 2007).

Can Appropriation Riders Speed Our Exit from Iraq?, 42 Stan. J. Int'l L. 291 (2006).

“The Gold Train Case: Successfully Suing the United States on Behalf of a Class of Holocaust-Era Victims,” 27 Class Action Rep. 136 (2006)

“Cancellation and Termination Without Forfeiture,” 54 Mercer L. Rev 1031 (2003).

“How to Steal a Trillion: The Uses and Abuses of Laws About Lawmaking in 2001,” 17 J. L. & Pol. 409 (published 2003 - “Summer 2001” issue).

“President Bush’s First Executive Privilege Claim” 33 Pres. Studies Q. 201 (2003)

“Helping Those Who Can Help Themselves: The Rehnquist Court’s Direct and Indirect Conservative Activism,” 1 Geo. J. L. & Pub. Pol’y 103 (2002).

Essay/Book Review (“Interventionism After Kosovo”), 96 Am. J.Int’l L. 489 (2002).

“Letting Federal Unions Protest Improper Contracting-Out,” 10 Cornell J. L. & Pub. Pol’y 581 (2001) (with Jennifer Ferragut).

“SWANCC: Swan Song for Environmental Laws or No More Than a Swipe At Their Sweep?” 21 Env’tl. L. Rep. 11493 (2001)

“Sino 301: How Congress Can Effectively Review Relations With China After WTO Accession,” 34 Cornell Int’l L. J. 55 (2001).

“After Morrison, Can Congress Preserve Environmental Laws from Commerce Clause Challenge?” 20 Env’tl. L. Rep. 10888 (2000).

“Did Eastern Enterprises Send Enterprise Liability South?” 51 Ala. L. Rev. 1305 (2000)

“The Reconceptualization of Legislative History in the Supreme Court,” 2000 Wisc. L. Rev. 205-277 (2000)

“Comparing Alternative Approaches About Congress’s Role in Constitutional Law,” 34 U. Rich. L. Rev. 489 (2000)

“Adjusting Sovereignty: Contemporary Congressional-Executive Interactions About International Organizations,” 35 Tex. Int’l L. J. 239 (2000).

“Risky Business: Medicare’s Vulnerability to Selection Games of Managed Care Providers,” 28 U. Balt. L. Rev. 319 (1999)

“The Senate Trial of President Clinton,” 28 Hofstra L. Rev. 407 (1999).

“War Decisions in the Late 1990s by Partial Congressional Declaration,” 36 San Diego Law

Review 1-39 (1999).

“The Controversial Transition Between Investigating the President and Impeaching Him,” 14 St. John’s J. Leg. Comment. 111 (1999)

The Specially Investigated President, 5 U. Chicago Roundtable 143-204 (1998)

“The Senate and House Counsel Offices: Dilemmas of Representing in Court the Institutional Congressional Client,” 61 Law & Contemp. Probs. 47 (1998)

“Alongside the Fast Track: Environment and Labor Issues in the FTAA,” 7 Minnesota Journal of Global Trade 329-373 (1998)

“Congressional Oversight of the Clinton Administration, and Congressional Procedure,” 50 Admin. L. Rev. 199 (1998)

“Free Trade Agreements and the New Federalism,” 7 Minn. J. Glob. Tr. 45 (Winter 1998).

“GATT Agreement on Government Procurement: What Will Be Left When the American Federal System Has Implemented It?” 26 U. Balt. L. Rev 31 (1997)

“Treatment for Medicare’s Budget: Quick Operation or Long-Term Care?” 16 St. Louis U. Pub. L. Rev. 27 (1997).

“Congressional Intent and Commercial Products,” 32 Procurement Law., Spring 1997, at 22 (with Ron Stroman).

“‘Budgetized’ Health Entitlements and the Fiscal Constitution in Congress’s 1995-1996 Budget Battle,” 33 Harv. J. on Legis. 410-460 (1996)

"Controlling Federal Agencies by Claims on Their Appropriations? The Takings Bill and the Power of the Purse," 13 Yale J. on Regulation 501-534 (1996)

"Taking 'Takings Rights' Seriously: A Debate on Property Rights Legislation Before the 104th Congress," 9 A.U. Admin. L.J 273 (1995).

"The Flag-Burning Controversy of 1989-90: Congress' Valid Role in Constitutional Dialogue," 29 Harvard J. Legislation 357-398 (Summer 1992).

"Navigating the Shoals of 'Use' Immunity and Secret International Enterprises in Major Congressional Investigations: Lessons of the Iran-Contra Affair," 55 Mo. L. Rev.. 43-92 (1990).

"The Constitutionality of Independent Officers as Checks on Executive Abuse," 63 Boston U. L. Rev. 59-103 (1983).

"OSHA's Toxics Program Faces a Supreme Court Test," 30 Labor Law J. 680 (1979).

"Qualified Privilege to Defame Employees and Credit Applicants," 12 Harv. Civil R. - Civil Lib. L. Rev. 143 (1977).

"NEPA and Energy Supply: A Case Study," BNA Environmental Law Monograph # 22 (1976).

"Zoning Regulation of Adult Theaters," 90 Harv. L. Rev. 196-205 (1976)(student case comment on *Young v. American Mini Theaters*, 96 S. Ct. 2440 (1976)).

Commissioner Post, Recent Presentations, and, Articles in Practitioner Journals and Legal Columns in General Publications

"Security Clearances, in Practice, May Wrongly Keep Capable People Out of An Enormous Job Market," Congressional Black Caucus 2013 Annual Legislative Conference.

"Limits on Private Security Contractors of What Is 'Inherently Governmental,'" Harvard Journal of Legislation, February 16, 2012 (on panel of symposium).

Commissioner, Commission on Wartime Contracting. Questioned Witnesses in 25 Televised Hearings, 2008 -2011.

"Re-Evaluating Pay for Performance," Federal Times, April 6, 2008.

"And You Thought His First Term Was A Nightmare," Salon.com Magazine, Aug. 25, 2004.

"Bush's Bungled Saudi Deal-Making," Salon.com Magazine, July 23, 2004.

"OMB's New A-76: Tilting the Contracting-out Process," Federal Bar Association Government Contracts Section Newsletter, Spring 2003, at 6.

Book Review, "Congressional Abdication," Annals of the Am. Acad. of Political & Social Science, Nov. 2001, at 192.

"Don't Accept SARA: The Services Acquisition Reform Act Would Weaken Government Oversight," Legal Times, April 1, 2002, at 23.

"A Bit Too Fast a Track," Nat'l Law Journal, Dec. 2001.

"Buying for Uncle Sam: Practical Mind-Set Now Prevails for Government Contracting," Legal Times, Oct. 29, 2001, at 36.

"Out of Order: The Abrupt Dismissal of the Parliamentarian Threatens Senate Procedure," Legal Times, May 14, 2001.

“Giving Away the Store: How Much More Can the New Administration Surrender to Contractors?” Legal Times, March 5, 2001.

“Skirting a Constitutional Crisis,” Legal Times, Dec. 4, 2000.

“Heads Up! Ready or Not, the Election Might Be Congress’ to Decide,” Legal Times, Nov. 20, 2000, at 59.

“A True Ballot: Florida Law Makes Clear That Confusing Design Must Never Distort the Voice of the Voters,” Legal Times, Nov. 13, 2000, at 58.

“Surprise Order in Qui Tam Case May Foretell a Scalia Surprise,” Legal Times, Nov. 29, 1999, at 52.

“First, We Kill All the Auditors,” Legal Times, April 26, 1999, at S34.

“Gore’s Latest: Tribulation or Vindication,” Roll Call, September 14, 1998.

“Grabbing for the Purse Strings: Defense Contractors Take Aim at a Critical Accounting Watchdog,” Legal Times, August 10, 1998, at 19 (with Danielle Brian)

“Congress in a Straitjacket? In Squashing Line-Item Veto, Supreme Court Says No to Lawmakers’ Creativity,” Legal Times, June 29, 1998, at 23.

“The Short Arm of the Impeachment Clause,” Legal Times, June 8, 1998, at 21.

“Going After Gore,” Milwaukee Journal, Oct. 5, 1997.

“Courts to Rule Budget?” National Law Journal, March 3, 1997, at A15.

“The House Ethics Committee Neglected to Consider Law and Precedents in its Tangled Consideration of the Gingrich Tape,” Legal Times, Jan. 27, 1997, at 59.

“Gore Phone Calls: Already Cleared,” Los Angeles Times, September 23, 1997.

“Justices Ducked Major Issue in ‘Hughes,’” National Law Journal, July 14, 1997.

“Investigators as Qui Tam Relators,” 7 FCA & Qui Tam Q.R. (April 1997)(with Michael Blumenfeld).

“The Fight’s the Thing: Why Congress and Clinton Rush to Battle with Subpoena and Executive Privilege,” Legal Times, Oct. 14, 1996, at 25.

“Qui Tam Recovery Without ‘Actual Damages,’” 6 FCA & Qui Tam Q.R. 23 (July

1996)(with Michael Blumenfeld).

“Contempt of Congress: Turf Battle Ahead,” *Legal Times*, May 27, 1996, at 26.

“Privilege Pushover: Senate Whitewater Committee,” *Legal Times*, Jan. 1, 1996, at 24.

"Congressional Elites Become Take-Charge Managers in New Era," *Legal Times*, Sept. 18, 1989, at 38 (with Hyde Murray).

Book Chapters or Supplements

“‘Alongside’ the Fast Track: Environmental and Labor Issues in FTAA,” in Ralph Folsom, Michael Gordon & David Lopez, *NAFTA: A Problem-Oriented Casebook* (2000).

"Rules of Legislative Procedure," in Abner J. Mikva and Eric Lane, *Legislative Process* 112 (1995)(cases and materials book).

Articles on “Investigative Power,” “McGrain v. Daugherty,” “Kilbourn v. Thompson,” and “Watkins v. U.S.,” in *The Encyclopedia of the United States Congress* (eds. D.C. Bacon, R.H. Davidson & M. Keller 1995).

"The Quayle Council: 'No Fingerprints' on Regulation," in *Administrative Law Anthology* 274 (Thomas O. Sargentich ed. 1994).

"The Constitutionality of Legislative Vetoes in Foreign Affairs After Chadha," in Thomas M. Franck and Michael J. Glennon, *Foreign Relations and National Security Law: Cases, Materials and Simulations* 728 (2d ed. 1993).

"Can the States Constitutionally Impose Term Limits on Members of Congress?" in *Limiting Legislative Terms* (G. Benjamin et al., eds. 1992).

"The FAS Proposal: Valid Check or Unconstitutional Veto?," in *First Use of Nuclear Weapons: Under the Constitution, Who Decides?* (ed. Peter Raven-Hansen 143 (1987)(portion also reprinted in Peter Raven-Hansen et al., *National Security Law* (1990)).

Government Reports and Published Testimony

“The Committee Cannot and Should Not Try to Enforce Subpoenas Against State Attorneys General Investigating Exxon’s Climate Risk Fraud,” Hearings Before the House Committee on Science, Space and Technology,” Sept. 14, 2016.

"Congressional Committee Right to Oversight of VA and VA OIG Programs," in Veterans Affairs and Transparency Issues: Hearings Before the House Committee on Veterans Affairs, March 16, 2015.

"The Attorney General, Not the House, "Determines" If There is a Conflict of Interest, and When to Appoint Special Counsels," in The IRS Targeting Scandal: The Need for a Special Counsel,: Hearing Before the House Comm. on the Judiciary, July 30, 2014.

"A 'Speaker's Suit' Against the President Will Be An Embarrassing Loser," House Committee on Rules, July 16, 2014, at <http://democrats.rules.house.gov/press-release/constitutional-law-experts-lawrence-tribe-and-charles-tiefer-boehner-suit-%E2%80%9Cmeritless%E2%80%9D->

“Congressional Committee Conducting Oversight of ATF Program to Sell Weapons to Smugglers, Notwithstanding Pending Cases,” in Hearing on Justice Department Response to Congressional Subpoenas: Hearing Before the House Committee on Government Oversight. June 13, 2011.

“The Prime Vendor Program for DoD Purchase of Foods has Severe Contractor Cheating Which Warrants Oversight and Reform,” in Government Food Service Management: Hearing Before the Senate Subcommittee on Contracting Oversight, October 5, 2011..

“New Pay for Performance Systems Struggle,” in Robbing Mary to Pay Peter and Paul: The Administration’s Pay for Performance System: Hearing Before the Subcommittee on Federal Workforce of the House Comm. On Oversight and Government Reform (Feb. 12, 2008).

“Non-Responsibility in DHS Contractors: Who’s Responsible? What Can Be Done?” in Responsibility in Federal Homeland Security Contracting: Hearing Before the House Homeland Security Comm. (April 20, 2007).

“New Personnel Systems Have Imposed Unacceptable Costs and Impacts at DoD, DHS, and Other Agencies,” in Status of Federal Personnel Reform: Hearing Before the Subcomm. on Federal Workforce, Postal Service, and the District of Columbia of the House Comm. on Oversight and Government Reform (March 18, 2007).

“The Search Warrant Raid Was an Unnecessary and Radical Step ,” in Reckless Justice: Did the Saturday Night Raid of Congress Trample the Constitution?, Hearing Before the House Committee on the Judiciary (May 30, 2006)

“Personnel System and Procurement Issues in the Department of Homeland Security,” in

Hearing Before the House Homeland Security Subcomm. On Management, Integration and Oversight (May 18, 2006).

“Then and Now: An Update on the Bush Administration’s Competitive Sourcing Initiative,” Hearing Before the Senate Subcomm. on Oversight of Government Management and the Federal Workforce of the Comm. on Gov’tal Affairs (July 24, 2003).

“The Revised Services Acquisition Reform Act,” in: Hearings Before the House Comm. on Gov’t Reform, 108th Cong., 1st Sess. (April 30, 2003).

“Do We Need a Constitutional Amendment for Emergencies in the House of Representatives?” In Hearings on H.J. Res. 67, Providing for the Temporary Filling of House Vacancies, Before the Subcommittee on the Constitution of the House Committee on the Judiciary, 107th Cong., 2d Sess. (Feb. 28, 2002)

“Overcoming Executive Privilege at the Justice Department,” in The History of Congressional Access to Deliberative Justice Department Documents: Hearings Before the House Committee on Government Reform, 107th Cong., 2d Sess. (Feb. 6, 2002).

“Analyzing the Proposed Services Acquisition Reform Act,” in Moving Forward with Services Acquisition Reform: Hearings Before the Subcomm. On Technology and Procurement Policy of the House Comm. on Gov’t Reform, 107th Cong., 1st Sess. (Nov. 1, 2001).

“Supporting the Proposed Rule on Contractor Cost Accounting Practice Changes,” Testimony Before the Cost Accounting Standards Board, December 6, 1999.

“Don’t Exempt Big Non-Commercial Defense Contracts from CAS,” Testimony Before the Cost Accounting Standards Board, December 2, 1998.

“Exempting Defense Contractors From CAS Standards Would Game the Taxpayers Out of \$7 Billion,” Testimony Before the CASB Review Panel, June 17, 1998.

“Rights of Involuntary Witnesses Not to be Broadcast,” in Hearings Before the House Committee on Rules, 105th Cong., 1st Sess. (Nov. 5, 1997)

“Communications and Miscommunications At the CIA,” in Final Report of the House Select Subcommittee to Investigate the United States Role in Iranian Arms Transfers to Croatia and Bosnia, 104th Cong., 2d Sess. (1996)(“Bosniagate” Report; chapter of Minority Views).

“Re: False Statements Restoration Act,” in False Statements After Hubbard: Hearings Before the Senate Committee on the Judiciary, 104th Cong., 2d Sess. (May 15, 1996).

"The Attorney General's Withholding of Documents from the Judiciary Committee" in Department of Justice Authorization for Appropriations, Fiscal Year 1992: Hearings Before

the House Comm. on the Judiciary, 102nd Cong., 1st Sess. (July 11, 1991), at 76-125.

"Withholding of Documents from the Judiciary Committee," in *The Attorney General's Refusal to Provide Congressional Access to "Privileged" Inslaw Documents: Hearings Before a Subcomm. of the House Comm. on the Judiciary, 101st Cong., 2d Sess. (Dec. 5, 1990)*, at 83-104 .

"The Boland Amendments and the NSC Staff," chapter 26 in *Report of the Congressional Committees Investigating the Iran-Contra Affair, H. Rept. No. 433 and S. Rept. No. 216, 100th Cong., 1st Sess. (Nov. 13, 1987)*(Congressional committee report, co-authored with Senate staff).

"Invalidity of the Defense Department's Claim of Executive Privilege," in *Our Nation's Nuclear Warning System: Will It Work If We Need It?: Hearings Before a Subcomm. of the House Comm. on Government Operations, 99th Cong., 1st Sess. (Sept. 26, 1985)*, at 89-102.

"Statement Regarding The Executive Branch's Declaration That the Competition in Contracting Act is Unconstitutional," in *Hearings Before a Subcomm. of the House Comm. on Government Operations, 99th Cong., 1st Sess. (Feb. 28, 1985)*, at 257-276.

"Constitutionality of the Competition in Contracting Act," in *Competition of Contracting Act of 1984, H.R. Rep. No. 1157, 98th Cong., 2d Sess. (Oct. 10, 1984)*, at 59 (appendix to Congressional committee report).

"Analysis of Three Key Statutes After Chadha," in *Legislative Veto and the Chadha Decision: Hearing Before a Subcomm. of the Sen. Comm. on the Judiciary, 98th Cong., 1st Sess. 53-94 (July 20, 1983)*, at 53-94.

"Manual on Senate Committee Rules and Procedures," 95 pp., published by the Office of Senate Legal Counsel, February, 1981.

"Justice Department Investigates Billy Carter and Arranges Registration: April 1980 - July 1980," chapter III in *Inquiry Into the Matter of Billy Carter and Libya, S. Rep. No. 1015, 96th Cong., 2d Sess. (Oct. 2, 1980)*(House committee report).

Other

"Congress and the Bush Administration," presentation at the AALS Convention, Legislation Section, Jan. 5, 2008.

"Legislative Oversight During the Bush Administration," presentation at the AALS Convention, Legislation Section, Jan. 3, 2004.

Supreme Court amicus curiae brief for the Bipartisan Congressional Amici, Reps. Price, Castle et al., McConnell v. FEC (Aug. 2003)(supporting constitutionality of BCRA).

Amicus curiae brief for the House Democratic Leadership, Waxman v. Evans (2002)(Ninth Circuit)(supporting viability of statute for Congressional obtaining of Executive documents).

Chapter on “Public Contracts and Procurement,” in ABA Section of Administrative Law, Developments in Administrative Law and Regulatory Practice 2000-2001 (contribution to chapter as ABA committee vice chair).

“SWANCC: Swan Song for Environmental Laws or No More Than a Swipe At Their Sweep?” Presentation, Environmental Law Institute, October 23, 2001.

“How to Steal a Trillion: The Uses of Laws About Lawmaking in 2001,” Presentation, Dickinson Law School, October 1, 2001; Presentation, George Washington Law School, October 12, 2001.

“Share-in-Savings: Risky Business,” Paper, Project on Government Oversight, June, 2001.

“The SWANCC Case Commerce Clause Challenge to Federal Wetlands Regulation,” Presentation, Environmental Law Institute, October 5, 2000.

“Costs and the False Claims Act,” Presentation, Masters Institute in Government Contract Costs, July 11, 2000.

“False Claims Act - Recent Developments,” Presentation, Defense Contract Audit Agency Mid-Atlantic Region Claims Technical Specialist Workshop, June 13, 2000.

Supreme Court amicus curiae brief for the House Democratic Leadership, United States v. Dickerson (2000)(supporting retention of Miranda)(portion reprinted in 3 Supreme Court Debates 181 (Sept. 2000)).

Supreme Court amicus curiae brief for the Project on Government Oversight, United States ex rel. Stevens v. Vermont (1999)(supporting standing for qui tam relators).

“Government Attorney-Client Privilege After the Clinton Cases,” Presentation, Capitol Hill Chapter of the Federal Bar Association, on June 10, 1999.

“Did Eastern Enterprises Send Enterprise Liability South?” Presentation to the Conference of the U.S. Court of Federal Claims, on April 30, 1999.

Report on the draft Law on Bidding for Procurement of the Russian Federation, by request of CEELI, on April 10, 1998.

“No Harm, No Foul: A Law Professor Says Clinton and Gore Will Walk Away From the Campaign Finance Fiasco Unscathed,” Salon Magazine, September, 1997.

Report on the draft Law About Government Purchasing for the Republic of Tajikistan, by request of CEELI, on September 11, 1997.

“Substantive Legislating Under the Unwritten Balanced Budget Amendment,” presentation at the AALS Convention, Legislation Section, Jan. 5, 1997.

Report on the draft Law Concerning the Chambers of Commerce and Industry for the Republic of Romania, by request of CEELI, in 1996.

"Constitutional Challenge to GAO's Statutory Authority to Award Attorney's Fees," presentation at the D.C. Bar Convention, Feb. 23, 1993, Washington, D.C.

"Comparative Origins of Senate and House Procedure," paper presented at the American Political Science Association, September 6, 1992, Chicago, Illinois.

"The U.S. Law-Making Process and Assistance by Staff Lawyers," paper presented at the Seminar on Legislative Technique sponsored by the Venezuelan Congress, May 27, 1991, Caracas, Venezuela.

The Polarized Congress: The Post-Traditional Procedure of Its Current Struggles (University Press of America, Spring 2016)

Government Contract Law in the Twenty-First Century (Carolina Academic Press 2012) & Teaching Manual

"Confronting Chaos: The Fiscal Constitution Faces Federal Shutdowns and (Almost) Debt Defaults," 43 Hofstra L. Rev. 511-561 (2014).

"Restrain 'Risky Business;' Treat High-Risk Private Security Contractors as Inherently Governmental," 50 Harv. J. on Legis. 209-237 (2013).

"Security Clearances, in Practice, May Wrongly Keep Capable People Out of An Enormous Job Market," Congressional Black Caucus 2013 Annual Legislative Conference.

“Can the President and Congress Establish a Legislative Veto Mechanism for Jointly Drawing Down a Long and Controversial War?” 6 J. Nat’l Security L. & Pol’y 131-166 (2012).

“Could This Train Make it Through: The Law and Strategy of the Gold Train Case,” 15 Yale Journal on Human Rights Law and Development 129-154 (2012)