

ASHLEY S. DEEKS  
University of Virginia Law School  
adeeks@law.virginia.edu  
(202) 413-6574

## EXPERIENCE

### **UNIVERSITY OF VIRGINIA LAW SCHOOL, Charlottesville, VA**

*Class of 1948 Scholarly Research Professor of Law, 2022 – present*

*E. James Kelly, Jr.—Class of 1965 Research Professor of Law, 2017 – 2020*

*Director, National Security Law Center, 2020*

*Senior Fellow, Center for National Security Law, 2012 – 2020*

*Senior Fellow, Miller Center of Public Affairs, 2019 – 2020*

*Associate Professor, 2012 – 2017*

- Teach courses on international law, national security, the use of force, the laws of war, new technologies in war, and government secrecy
- Advise Jessup international law and law of armed conflict moot court teams
- Committee work
  - Faculty Workshops Committee (chair) (2022-23)
  - Promotion Review Committee (chair) (2022-23)
  - Faculty Enrichment and Visibility Committee (chair) (2020-21)
  - Decanal Reappointment Review Committee (co-chair) (2020)
  - Appointments Committee (2019-20)
  - Clerkships Committee (2017-19)
  - Graduate Studies Committee (2017-18)
  - Academic Review Committee (2016-17)
  - Awards Committee (2015-16)
  - Dean Search Committee (2014-15)
  - Coif Committee (2012-13)
- ALI Early Career Scholar Medal, 2021

### **THE WHITE HOUSE, Washington, DC**

*Special Assistant to the President, Associate White House Counsel, and Deputy Legal Adviser to the National Security Council, 2021 – 2022*

- Awarded Secretary of Defense Medal for Exceptional Public Service

### **LEIDEN LAW SCHOOL, Leiden, Netherlands**

*Visiting Researcher, 2018 – 2019*

### **UNIVERSITY OF AMSTERDAM LAW SCHOOL, Amsterdam, Netherlands**

*Visiting Researcher, 2018 – 2019*

### **CENTRAL INTELLIGENCE AGENCY, Langley, VA**

*Lecturer, 2017 – 2018*

Delivered a series of lectures on international law topics to the General Counsel's Office.

### **HARVARD LAW SCHOOL, Cambridge, MA**

*Visiting Associate Professor, Spring 2017*

Held position of John H. Gregory Lecturer on World Organization. Taught international law and government secrecy courses.

**COLUMBIA LAW SCHOOL, New York, NY**

*Academic Fellow, 2010 – 2012*

Spoke at conferences on cognitive biases in the law of war, human rights law in armed conflict, the use of unmanned drones, robots, Wikileaks, and diplomatic assurances. Presented at legal workshops and colloquia at the Law School.

**OFFICE OF THE LEGAL ADVISER, U.S. DEPARTMENT OF STATE, Washington, DC**

*Assistant Legal Adviser, Political-Military Affairs, 2008 – 2010*

Managed and directed an office of eight attorneys and other staff. Provided guidance to senior Department officials on the use of force; the law of armed conflict; detainee litigation; intelligence issues; and arms export controls.

**COUNCIL ON FOREIGN RELATIONS, Washington, DC**

*International Affairs Fellow, 2007 – 2008*

Based at the Center for Strategic & International Studies as a Visiting Fellow. Advised a CSIS group on detention policy; served on the Advisory Committee for a CFR Special Report on Civil Liberties and National Security After 9/11; and briefed congressional staff.

**OFFICE OF THE LEGAL ADVISER, U.S. DEPARTMENT OF STATE, Washington, DC; Iraq**

*Attorney-Adviser, 1999 – 2007*

Served as attorney-adviser in the Offices of Political-Military Affairs; Law Enforcement & Intelligence; and Buildings & Acquisitions. Served as Legal Adviser, U.S. Embassy Baghdad (2005)

**HON. EDWARD BECKER, U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT, Philadelphia, PA**

*Clerk, 1998 – 1999*

RESEARCH INTERESTS

International Law  
Government Secrecy

National Security Law  
Cyber Law

Law & Technology  
Intelligence Law

EDUCATION

**UNIVERSITY OF CHICAGO LAW SCHOOL, Chicago, IL**

J.D. with honors, 1998

Order of the Coif (top 10% of class)

Editor, *University of Chicago Law Review*

**WILLIAMS COLLEGE, Williamstown, MA**

B.A. in art history, *magna cum laude*, 1993

PUBLICATIONS AND WORKS IN PROGRESS

Book

FOREIGN RELATIONS LAW, 7<sup>th</sup> ed. (2020) (with Curtis Bradley & Jack Goldsmith)

Articles

*Tax Law as Foreign Policy*, 170 U. PA. L. REV. 1 (2022) (with Andrew Hayashi)

*Secrecy Surrogates*, 106 VA. L. REV. 1395 (2020)

*Will Cyber Autonomy Undercut Democratic Accountability?*, 96 INT'L L. STUD. 646 (2020)

*Defend Forward and Cyber Countermeasures*, HOOVER INSTIT. (2020)

*High-Tech International Law*, 88 GEO. WASH. L. REV. 574 (2020)

*Secret Reason-Giving*, 129 YALE L.J. 612 (2020)

*The Judicial Demand for Explainable AI*, 119 COLUM. L. REV. 1829 (2019)

*Facebook Unbound*, 104 VA. L. REV. ONLINE 1 (2019)

*Machine Learning, Artificial Intelligence, and the Use of Force by States*, 10 J. NAT'L SEC. L. & POL'Y 1 (with Noam Lubell & Daragh Murray) (2019)

*Predicting Enemies*, 104 VA. L. REV. 1529 (2018)

- Featured in JOTWELL, Nov. 20, 2019

*Statutory International Law*, 57 VA. J. INT'L L. 263 (2018)

*The Substance of Secret Agreements and the Role of Government Lawyers*, 111 AJIL UNBOUND 474 (2018)

*A (Qualified) Defense of Secret Agreements*, 49 ARIZ. ST. L.J. 713 (2017)

- Featured in JOTWELL, Feb. 15, 2018

*The Obama Administration, International Law, and Executive Minimalism*, 110 AM. J. INT'L L. 646 (2016)

*Multi-Part Tests in the Jus Ad Bellum*, 53 HOUSTON L. REV. 1035 (2016)

*Confronting and Adapting: Intelligence Agencies and International Law*, 102 VA. L. REV. 599 (2016)

*Intelligence Communities, Peer Constraints, and the Law*, 7 HARV. NAT'L SECURITY J. 1 (2016)

*National Security and Double Government*, 109 AM. J. INT'L L. 100 (2016)

*Checks and Balances from Abroad*, 83 U. CHI. L. REV. 65 (2016)

*An International Legal Framework for Surveillance*, 55 VA. J. INT'L L. 291 (2015)

*The Observer Effect: National Security Litigation, Executive Policy Changes, and Judicial Deference*, 82 FORDHAM L. REV. 827 (2013)

*Consent to the Use of Force and International Law Supremacy*, 54 HARV. INT'L L. J. 1 (2013)

*“Unwilling or Unable”*: Toward a Normative Framework for Extra-Territorial Self-Defense, 52 VA. J. INT’L L. 483 (2012)

*Administrative Detention in Armed Conflict*, 40 CASE W. RES. J. INT’L L. 403 (2009)

*Iraq’s Constitution: A Drafting History* (with Matthew Burton), 40 CORNELL INT’L L. J. 1 (2007)

*Iraq’s Constitution and the Rule of Law*, 28 WHITTIER L. REV. 837 (2007)

*Inside L: Some Thoughts on the Office of the Legal Adviser*, 2 CHI. J. INT’L L. 503 (2001)

*Raising the Cost of Lying: Rethinking Erie for Judicial Estoppel*, 64 U. CHI. L. REV. 873 (1997)

### Book chapters

*Coding the Law of Armed Conflict: First Steps*, in THE LAW OF ARMED CONFLICT IN 2040 (T. Oakley & M. Waxman eds., 2022)

*Autonomous Cyber Capabilities and Democratic Accountability*, in AUTONOMOUS CYBER CAPABILITIES UNDER INTERNATIONAL LAW (R. Liivoja & A. Valjataga eds., 2021)

*Sleeping Dogs: The Restatement (Fourth) and International Humanitarian Law*, in THE RESTATEMENT AND BEYOND: THE PAST, PRESENT, AND FUTURE OF U.S. FOREIGN RELATIONS LAW (S. Cleveland & P. Stephan eds., 2020)

*International Law*, in NATIONAL SECURITY LAW AND POLICY: A READER (M. Marlowe & T. Karako eds., 2020)

*Intervention in Libya*, in INTERNATIONAL LAW AND THE USE OF FORCE (T. Ruys & O. Corten eds., 2018)

*Intelligence Communities and International Law: A Comparative Approach*, in COMPARATIVE INTERNATIONAL LAW (A. Roberts et al. eds., 2018)

*Regulating Foreign Surveillance Through International Law*, in BULK COLLECTION: SYSTEMATIC GOVERNMENT ACCESS TO PRIVATE-SECTOR DATA (F. Cate & J. Dempsey eds., 2017)

*Intelligence Communities, Peer Constraints, and the Law*, in GLOBAL INTELLIGENCE OVERSIGHT: GOVERNING SECURITY IN THE 21<sup>ST</sup> CENTURY (S. Rascoff & Z. Goldman eds., 2016)

*Taming the Doctrine of Pre-emption*, in OXFORD HANDBOOK ON THE USE OF FORCE (M. Weller ed., 2015)

*Domestic Humanitarian Law: Developing the Laws of War in Domestic Courts*, in APPLYING INTERNATIONAL HUMANITARIAN LAW IN JUDICIAL AND QUASI-JUDICIAL BODIES: INTERNATIONAL AND DOMESTIC ASPECTS (D. Jinks et al. eds., 2014)

*The Geography of Cyber-Conflict: Through a Glass Darkly*, in THE GEOGRAPHY OF ARMED CONFLICT, Newport, RI: Naval War College (M. Schmitt ed., 2013)

*Litigating How We Fight*, in INTERNATIONAL LAW AND THE CHANGING CHARACTER OF WAR (P.

Pedrozo & D. Wollschlaeger eds., 2011)

*Starting from Here*, in INTERNATIONAL LAW & MILITARY OPERATIONS (Carsten ed., 2009)

### Shorter works

*How the Endless War Came Home*, WAR ON THE ROCKS, Mar. 19, 2020

*Introduction to the Symposium: How Will Artificial Intelligence Affect International Law?*, 114 AJIL UNBOUND 138 (2020)

*Introduction to the Symposium on Monica Hakimi, "The Jus ad Bellum's Regulatory Form"*, 112 AJIL UNBOUND 94 (2018)

*Introduction to the Symposium on Megan Donaldson, "The Survival of the Secret Treaty"*, 111 AJIL UNBOUND 467 (2018)

"Diplomatic immunity protects even Erdogan's thugs. We have to live with that." *Wash. Post*, May 18, 2017

*The International Legal Dynamics of Encryption*, Hoover Instit. (2016)

"By Other Means," *New Rambler* (book review of R. MENON, THE CONCEIT OF HUMANITARIAN INTERVENTION) (Apr. 2016)

"Here's What International Law Says About Russia's Intervention in Ukraine," *New Republic* (Mar. 2014)

"Courts Can Influence National Security Without Doing a Single Thing," *New Republic* (Oct. 2013)

*New Battlefields/Old Laws: Remarks*, 105 AM. SOC'Y INT'L L. PROC. 373 (May 2012)

"Pakistan's Sovereignty and the Killing of Osama Bin Laden," ASIL Insight (May 2011)

*Promises Not to Torture: Diplomatic Assurances in U.S. Courts*, ASIL Discussion Paper (2008)

"Putting Asset Freezes on Ice?," Op-Ed, *European Voice* (Nov. 2008)

"A Healthy Dose of Treaties," CSIS Commentary (Sept. 2008)

*European Court of Human Rights: Case of Saadi v. Italy*, 47 INT'L LEGAL MATS. 542 (July 2008)

*Avoiding Transfers to Torture*, Council on Foreign Relations Special Report (with study guide) (June 2008)

"A Second Cluster Munitions Treaty?," CSIS Commentary (June 2008)

"Guantanamo Detainee Transfer Put U.S. in Tight Spot," *Jurist*, U. Pitt. School of Law (May 2008)

“Detention in Afghanistan: The Need for an Integrated Plan,” CSIS Commentary (Feb. 2008)

“Getting a Grip on Private Security Contractors,” Op-Ed, *Defense News* (Jan. 2008)

*Combating Terrorist Uses of the Internet: Introductory Remarks*, 99 AM. SOC’Y INT’L L. PROC. 103 (2005)

SCHOLARLY PRESENTATIONS (2013 – present)

“The Secret Life of International Law,” International Law Week (2022)

“The Crisis in Ukraine,” UVA Law School (2022)

“Russia, Section 230, and Saudi Arabia,” Rational Security, Lawfare Podcast (2022)

“The Law of U.S. Foreign Relations,” GWU Law School (moderator) (Oct 2022)

“Will Autonomous Cyber Capabilities Undercut Democratic Accountability?,” Naval War College (2020)

“Leading Without Treaties,” Univ. of Pennsylvania/Brookings Instit. (2020)

“High-Tech International Law,” Future of Empirical Research in International Law, Grad. Instit. of Geneva (2020)

“Will Autonomous Cyber Capabilities Undercut Democratic Accountability?,” NATO Cyber Center of Excellence, Estonia (2020)

“Endless War at Home and Abroad,” Miller Center, UVA (2020)

“Russian Interference in U.S. Elections,” Ateneo Univ., Manila (2020)

“Congress’s Control Over the Military,” Lawfare Podcast (2020)

“Congressional Control Over the Military,” Brookings Instit. and Congress (2020)

“Predicting Enemies,” Human and Machine Intelligence Showcase, UVA (2020)

“AI and the Laws of War,” JIB-JAB Laws of War Podcast (2020)

“Law and Ethics of Autonomy,” Autonomy Workshop, NATO, Brussels (2020)

“Secrecy Surrogates,” Public Law Workshop, Harvard Law School (2020)

“Secrecy Surrogates,” Houston Law Center (2020)

“The Use of Machine Learning Algorithms and the Role of Lawyers,” Advanced Intelligence Law Course, Defense Intelligence Agency (2019)

“Coding IHL,” Law of Armed Conflict in 2040 Conference, West Point (2019)

“The War Powers Resolution and Autonomous Weapons Systems,” National Security Workshop, JAG School (2019)

“High-Tech International Law,” International Law Workshop, Harvard Law School (2019)

“Coding IHL,” Hague Centre for Strategic Studies, The Hague (2019)

“Legal Dimensions of the Cyber Attribution Problem,” Federmann Cyber Security Center, Rotterdam (2019)

“War Algorithms: Who Will Decide in Future Conflicts?,” Geneva Centre for Security Policy (2019)

“The Judicial Demand for Explainable AI,” Common Law for the Age of AI Symposium, Columbia Law School (2019)

“Secret Reason-Giving,” Vanderbilt Law School Faculty Workshop (2019)

“Predicting Enemies,” Geneva Centre for Security Policy (2019)

“Predicting Enemies,” Ghent Law School (2019)

“‘Unwilling or Unable’ Post-Syria,” Ghent Law School (2019)

“Predicting Enemies,” Law of Armed Conflict & Military Operations Research Group, University of Amsterdam Law School (2019)

“Machine Learning, the *Jus in Bello*, and the *Jus ad Bellum*,” NATO, Brussels (2019)

“Predicting Enemies,” Leiden Law School (2018)

“Predicting Enemies,” Artificial Intelligence at the Frontiers of International Law Workshop, Harvard Law School (2018)

“Predicting Enemies,” Amsterdam Center for International Law, University of Amsterdam (2018)

“Predicting Enemies,” Network Analysis & Machine Learning in Law, University of Oslo (2018)

“Secret Reason-Giving,” Yale-Duke Foreign Relations Roundtable (2018)

“Predicting Enemies,” Information Society Project, Yale Law School (2018)

“Weapons Systems of Future Conflict,” Judge Advocate General’s Legal Center & School (2018)

“Paradox of the Battlefield,” New America/Vox/ICRC (2018)

“North Korea and Anticipatory Self-Defense,” Harv. Int’l L.J. Symposium, Harvard Law School (2018)

“The 2016 Obama Report on Legal Frameworks for the Use of Force,” UVA Center for National Security Law (2018)

“Military Cyberspace Operations and Privacy Implications,” USCYBERCOM Legal Conf. (2018)

“National Security in a Time of Trump,” AALS Annual Meeting (2018)

“Hacked Elections, Online Influence Operations, and the Threat to Democracy,” Council on Foreign Relations (2017)

“War by Robot?,” UVA Seminar Series, Human & Machine Intelligence Group (2017)

“Common Article 3 and the Concept of Non-State Armed Groups,” Transatlantic Workshop on International Law, Florence (2017)

“Crypto Wars 2.0: The European Front,” New America (2017)

“Domestic Cyber Litigation,” Harv. Int’l L.J. Symposium, Harvard Law School (2017)

“Military Intervention by Consent,” American Society of International Law Annual Meeting (2017)

“A (Qualified) Defense of Secret Agreements,” Harvard Law School (2017)

“The Use of Force in Syria,” Challenges in the Application of IHL Conference, Harvard Law School (2017)

“A (Qualified) Defense of Secret Agreements,” Forefront of International Law Conference, Ariz. State Univ. Law School (2017)

“Terrorism on Trial,” Geo. Wash. Law School Conference (2016)

“President Obama’s War Powers Legacy,” The Judge Advocate General’s Legal Center & School (2016)

“International Legal Implications of Surveillance,” Transatlantic Dialogue on Cyberespionage & Surveillance, Univs. of Texas and Glasgow, Berlin (2016)

“Shifting Rules for Intelligence in International Law,” Am. Soc’y Int’l L. Annual Meeting (2016)

“Confronting and Adapting: Intelligence Agencies and International Law,” UNC Law School Workshop (2016)

“Multi-Part Tests and the *Jus Ad Bellum*,” Frankel Lecture Commentary, Univ. of Houston (2015)

“Confronting and Adapting: Intelligence Communities and International Law,” Univ. of Virginia Law School Faculty Summer Workshop (2015)

“Checks and Balances From Abroad,” Univ. of Chicago Law School Symposium (2015)

“Confrontation and Adaptation: Intelligence Communities and International Law,” William & Mary Law School International Law Workshop (2015)



“An International Legal Framework for Surveillance,” NATO Cyber Conference, Estonia (2015)

“Intelligence Communities, Peer Constraints, and the Law,” Univ. of Chicago Law School International Law Workshop (2015)

“Intelligence Communities, Peer Constraints, and the Law,” NYU Center on Law & Security (2015)

“Post-Snowden Reforms,” Wash. & Lee Law School Cyber-Surveillance Symposium (2015)

“An International Legal Framework for Surveillance,” NYU Law School Colloquium (2014)

“Intelligence Communities and International Law,” Sokol Colloquium, UVA Law School (2014)

“Cyber War and the Law of Armed Conflict,” Second Circuit Judicial Conference (2014)

“The Observer Effect: National Security Litigation, Executive Policy Changes, and Judicial Deference,” Potomac National Security Roundtable, Geo. Wash. Law School (2013)

“The Lieber Code at 150,” National Archives (2013)

“The Observer Effect: National Security Litigation, Executive Policy Changes, and Judicial Deference,” International Law Colloquium, Temple Law School (2013)

“The Observer Effect: National Security Litigation, Executive Policy Changes, and Judicial Deference,” Faculty Workshop, Washington & Lee Law School (2013)

#### MEMBERSHIPS AND ADVISORY POSITIONS

- Senior Contributor, Lawfare Blog
- Elected member, American Law Institute, 2019 – present
- Member, U.S. State Department’s Advisory Committee on International Law, 2013 – 2020; 2022 – present
- Member, CIA General Counsel’s Advisory Board, 2022 – present
- Member, Board of Editors, American Journal of International Law (AJIL), 2018 – 2020
- Member, Board of Editors, Journal of National Security Law & Policy, 2015 – 2020
- Supervising Editor, *AJIL Unbound*, 2018 – 2020
- Associate Managing Editor, *AJIL Unbound*, 2017 – 2018
- Member, Committee on Online Content, AJIL, 2018 – 2019
- Board of Advisors, Virginia Journal of International Law, 2012 – present
- Board of Advisors, U.S. Naval War College, International Law Studies Journal
- Senior Fellow, Lieber Institute for Law and Land Warfare, U.S. Military Academy
- Member, Technology Task Force, American Society of International Law (ASIL), 2017 – 2018
- Working Group Member, Stimson Task Force on Drone Policy, 2014
- Advisory Committee, Council on Foreign Relations, Special Report on Drones, 2013
- Member, New York Bar, 1999 – present