

GREGORY S. MCNEAL, JD/PhD

Professor of Law and Public Policy

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POSITIONS AND AFFILIATIONS

Pepperdine University

Professor of Law and Public Policy

(July 2016 – Present)

Associate Professor of Law (with tenure effective July 2014)

(July 2010 – July 2015)

Professor of Public Policy (by courtesy)

(July 2010 - Present)

- Courses Taught: Criminal Procedure, Criminal Law, Administrative Law, Legislation, Negotiation

ASTM International, Committee F38 on Unmanned Aircraft Systems (January 2015 – Present)

- Voting member of the multinational committee that addresses issues related to design, performance, quality acceptance tests, and safety monitoring for unmanned air vehicle systems.

Federal Aviation Administration, Aviation Rulemaking Committee Member

- Unmanned Aircraft Systems, Registration Task Force (November 2014)
- Performance Standards and Requirements for Micro Unmanned Aircraft Systems (March 2015)

Association for Unmanned Vehicle Systems International (January 2015 – Present)

- Advocacy and Technical Advisory Committee member

Humanitarian UAV Network/WeRobotics

(July 2015 – Present)

Board Member

Secret Service Electronic Crimes Task Force

(May 2014 – Present)

- Academic member, contributing on matters related to cybersecurity, search & seizure, computer crime.

University of Texas, Robert S. Strauss Center for International Security and Law

Senior Fellow

(May 2015 – Present)

FORBES.com

(February 2012- Present)

Contributor in law and policy

- Writing about law and public policy with a focus on security, technology and crime.
- Ranked as one of the Top 20 professor blogs (by traffic) in the Law Professor Blog Rankings.

BOOKS AND BOOKS IN PROGRESS

Unmanned Aircraft Law and Policy (West Academic) (in progress, manuscript due March 2017)

Cybersecurity and Privacy Law: Hornbook Series (West Academic) (in progress, manuscript due August 2016)

- *Privacy Law: Concise Hornbook* (Derivative of hornbook, manuscript due September 2016)
- *Cybersecurity Law: Concise Hornbook* (Derivative of hornbook, manuscript due September 2016)

Antiterrorism and Criminal Enforcement co-author with Norman Abrams (West Academic) (4th edition supplement and 5th Edition onward)

National Security Investigations and Bureaucratic Control: Intelligence, Reorganization and the Department of Justice After 9/11 (Oxford University Press, in progress)

ARTICLES AND ARTICLES IN PROGRESS

- (15) *Deferenc, Power and Emerging Security Threats* TEXAS LAW REVIEW (forthcoming 2016)
- (14) *Drones and the Future of Aerial Surveillance*, GEORGE WASHINGTON LAW REVIEW (2016)
- (13) *Drone, Cybersecurity and Data Retention*, WASHINGTON AND LEE LAW REVIEW (2015)
- (12) *Reforming the Foreign Intelligence Surveillance Court Through Presumptive Appellate Review and Presumptive Transparency*, 38 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 77-101 (2015)
- (11) *Targeted Killing and Accountability*, 102 THE GEORGETOWN LAW JOURNAL 681-794 (2014)
- Winner of L'Association Internationale de Droit Penal's "Article of the Year Award"
- (10) *The Origins of National Security Expertise*, 44 CONNECTICUT LAW REVIEW 1585-1625 (2012)
- (9) *The Status Quo Bias and Counterterrorism Detention*, 101 NORTHWESTERN UNIVERSITY JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 855-884 (2011)
- (8) *Seemingly Voluntary Post-Abuse Statements*, 59 DEPAUL LAW REVIEW 943-978 (2010)
- (7) *Organizational Culture, Professional Ethics and Guantanamo*, 42 CASE WESTERN RESERVE UNIVERSITY JOURNAL OF INTERNATIONAL LAW 125-149 (2010)
- (6) *Institutional Legitimacy and Counterterrorism Trials*, 43 UNIVERSITY OF RICHMOND LAW REVIEW 967-1019 (2009)
- (5) *Beyond Guantanamo, Obstacles and Options*, 103 NORTHWESTERN UNIVERSITY LAW REVIEW COLLOQUY 29-53 (2008)
- (4) *Cyberembargo: Countering the Internet Jihad*, 39 CASE WESTERN RESERVE UNIVERSITY JOURNAL OF INTERNATIONAL LAW 789-826 (2008)
- (3) *Unfortunate Legacies: Why the Iraqi High Tribunal Should Reject Hearsay, Ex Parte Affidavits and Anonymous Witnesses*, 4 INTERNATIONAL COMMENTARY ON EVIDENCE 1-9 (2006) (peer reviewed)
- (2) *ICC Inability Determinations in Light of the Dujail Case*, 39 CASE WESTERN RESERVE UNIVERSITY JOURNAL OF INTERNATIONAL LAW 325-350 (2007)
- (1) *Snatch and Grab Ops: Justifying Extraterritorial Abductions* 16 IOWA JOURNAL OF TRANSNATIONAL LAW AND CONTEMPORARY PROBLEMS 491-522 (2006) (with Brian Field)

BOOK CHAPTERS

"New Approaches to Reducing and Mitigating Harm to Civilians," in *Counterinsurgency: New Directions in Asymmetric Warfare*, ed. William C. Banks, (Oxford University Press, 2013), pp. 127-140.

"Are Targeted Killings Unlawful Killings: A Case Study in Empirical Claims Without Empirical Proof," in *Targeted Killings: Law & Morality in an Asymmetrical World*, eds. Claire Finkelstein, Jens David Ohlin, & Andrew Altman (Oxford University Press, 2012), pp. 326-346.

"The Judgments in República Democrática de Timor-Leste Special Panels for Serious Crimes and the Tribunal de Recurso - July 2003-2006" in *Annotated Leading Cases of International Criminal Tribunals*, eds. André Klip and Göran Sluiter (Intersentia, 2010), pp. 838-847.

OTHER SHORTER CONTRIBUTIONS TO LAW JOURNALS

Ten National Security Questions, 35 WILLIAM MITCHELL LAW REVIEW 5113 (2010) (solicited non-traditional essay and commentary in response to editor questions)

International Law and U.S. Policy Issues Arising from the Conflict with Al Qaeda, 32 UNIVERSITY OF ARKANSAS AT LITTLE ROCK LAW REVIEW 505 (2010) (solicited commentary in response to editor questions)

GRANTS

- 2014-2015 \$165,000, Carthage Foundation grant to fund a study of the U.S. government's intelligence protocols and data analytic techniques in remotely piloted aircraft targeting processes.
- 2006 \$246,807, U.S. Department of Justice Grant #2006-F4128-OH-DD Enhancing Enforcement Capabilities for Responding to Terrorist Acts: Transnational Counterterrorism Cooperation Program (with Amos N. Guiora)

SERVICE TO THE COMMUNITY AND PUBLIC

Advisor and Author with the Department of Defense, Rule of Law and Peacekeeping Operations Institute

- Assisted in the drafting of the *Civilian Casualty Mitigation* field manual.
- Wrote two sections of the manual, which is the first in the history of the United States to address the impact of armed conflict on civilians and the first military manual to develop techniques to prevent future harm to civilians.
- Hosted a military and NGO working team at Pepperdine to finalize the manual for publication.
- Served as an expert commentator on drafts of *The Protection of Civilians Military Reference Guide*, a doctrine-like reference for military forces and peacekeeping training centers to address protection of civilian considerations during military operations.

Testimony and Briefings

- Advised the White House, OMB, OIRA and OSTP on privacy, and security related to civilian drones.
- Testified before the U.S. Senate Small Business & Entrepreneurship Committee. *Up in the Air: Examining the Commercial Applications of Unmanned Aircraft for Small Businesses*
- Testified before the U.S. House of Representatives, Committee on Homeland Security. *Unmanned Aerial System Threats: Exploring Security Implications and Mitigation Technologies*.
- Testified before the U.S. House of Representatives, Committee on the Judiciary. *Drones and the Fourth Amendment*.
- Testified before the California Senate Judiciary Committee regarding SB 142, *Drones and Trespass*.
- Briefed the Office of the Director of National Intelligence regarding *The Homeland Security Threat from Drones*.
- Testified before the U.S. House of Representatives, Committee on Foreign Affairs, Subcommittee on Terrorism, Nonproliferation and Trade. *The U.S. Strategy to Counter Jihadist Websites*.

Advisory Work on Matters of Law and Public Policy

- Advised members of the U.S. Senate Homeland Security Committee (Senators Collins and Lieberman) on cyber security legislation.
- Advised Lieutenant Governor Mead Treadwell (AK), other state representatives, and the Aerospace States Association regarding legislation to govern the use of unmanned systems in domestic airspace.
- Advised the Washington State legislature, the Pennsylvania Legislature, and the Nevada governor's office on legislation to govern the use of unmanned systems in domestic airspace.
- Advised U.S. Senator Udall's staff on privacy legislation related to unmanned aerial vehicles.
- Advised U.S. Congressman Frank Wolf on religious extremism and jihadist websites.
- Advised members and committee staff in both houses of Congress regarding counterterrorism financing reforms, and made recommendations regarding military commissions following the Supreme Court's *Hamdan* decision.
- Briefed a member of the House Armed Services Committee regarding necessary reforms to military commissions following the Supreme Court's *Boumediene* decision.

U.S. Department of Defense, Office of Military Commissions

Consultant to the Chief Prosecutor, 2006-2007

- Supported the prosecution team through objective and independent legal, policy and strategic communications advice. Directly supported CMCR Cases *US v. Hamdan* and *US v. Khadr*.

U.S. Department of Justice, Byrne Training Program

Co-Principal Investigator, Transnational Counterterrorism Cooperation, 2006-2008

- Worked directly with senior U.S. Department of Justice prosecutors and their foreign counterparts in the U.K., The Netherlands and Germany.

- Designed and co-directed a transnational counterterrorism prosecution program. Developed methods for enhancing cooperation in the use and sharing of foreign evidence, protection of intelligence information, preservation of the admissibility of interrogation evidence, and coordination of discovery obligations.

PRIOR ACADEMIC POSITIONS HELD

Seattle University School of Law

Visiting Assistant Professor of Law

(May 2010- August 2010)

- Courses Taught: Criminal Law, Federal Criminal Law

The Pennsylvania State University, Dickinson School of Law

Visiting Assistant Professor of Law

(June 2007-June 2010)

- Courses Taught: Information Privacy Law, National Security Law, Criminal Procedure, Criminal Law, Counterterrorism & Criminal Enforcement, Evidence, Civil Procedure

Case Western Reserve University, School of Law

Senior Fellow in Counterterrorism and International Law

(May 2006-Jan. 2008)

Assistant Director of the Institute for Global Security Law and Policy

(May 2006-May 2007)

EDUCATION AND CERTIFICATIONS

Ph.D., Public Administration, Pennsylvania State University

- Fields: Public Policy Analysis, Public Administration, Organizational Theory
- Dissertation: “Killer Bureaucracy: A Case Study of the U.S. Government’s Targeted Killing Program” (first dissertation in history of the program to be defended with unanimous perfect scores)

J.D., Case Western Reserve University, School of Law

- Deans List- 4 semesters
- Executive Editor *Harvard Journal of Law and Public Policy* (symposium issue)
- Selected for a Fulbright Fellowship to Israel (declined)

M.P.A., American University, School of Public Affairs

- Degree conferred with Distinction
- Certificate in Public Management
- Hispanic Association of Colleges and Universities Fellowship Recipient

B.A., Lehigh University, International Relations

- Hispanic Scholarship Fund Scholarship Recipient, Army R.O.T.C. Scholarship Recipient

United States Army, Judge Advocates Legal Center and School

- Graduate of the 2 week residential Operational Law of Armed Conflict (OPLOAC) course

Force Sciences Institute

- Certified Use of Force Analyst

UVA, Center for National Security Law

- National Security Law Short Course (1 week)

OTHER EXPERIENCE

Former Signal Corps Officer in the U.S. Army (Active Duty: 1999-2002) Led the management of telecommunications network for 10,000 users in Korea. Responsible for SIPRNET, NIPRNET and recovery efforts following the Melissa

and I Love You virus attacks; Led a platoon and served as an executive officer of a Signal company at Fort Meade, MD.

Veterans Pro Bono Assistance Program (2008-2011)
Consortium Attorney

- Represented veteran clients in appellate cases before the U.S. Court of Appeals for Veterans Claims.

City of Shaker Heights, City Law Department and City Prosecutor (2004-2006)
Law Clerk

- Represented the city in 23 bench trials in criminal and civil matters.
- Conducted over 600 pre-trial negotiations in criminal cases.
- Assisted the City Council in drafting of legislation.
- Evaluated the legality of public policies and public management procedures.

MISCELLANEOUS

Admissions: District of Columbia Bar, U.S. Court of Appeals for the Armed Forces, U.S. Court of Appeals for Veterans Claims.

Mexican American (on my mother's side). First in my family to attend college.