Brief Course Description:

This lecture course will explore the distribution of national security powers amongst the three coordinate branches of government and engage students in understanding the laws and policies that govern the legality of war, military operations in wartime, intelligence collection, protection of national security information, foreign intelligence surveillance, covert action, special military operations, offensive counterterrorism operations, the detention, interrogation, and prosecution of terrorism suspects, including military commissions, the domestic use of the military, homeland security, cybersecurity, and other current issues in the national security area.

The class will also include discussion of materials declassified in recent months relating to foreign intelligence collection and offensive counterterrorism operations, as well as materials previously declassified, and will examine the legal analysis supporting these specific efforts and the policy questions raised by them.

Class Format:

Lecture class of up to 50 students; three credits; two classes per week, each an hour and fifteen minutes. Active participation in class discussions is required and students are expected to be fully prepared for each class session.

Grading:

Grades will be based on class participation (10%) and an in-class final exam (90%).

Class Details:

Mondays and Wednesdays: 8:00 pm – 9:15 pm.

Exam Details:

The in-class exam for this class will be held on December 17 at 6 p.m.

Office Hours:

By appointment only.
Faculty Contact Information:
Jaffer Email: jjaffer@gmu.edu     Jaffer Phone: 202-247-8390
Raj Email: kraj@gmu.edu         Raj Phone: 206-779-6686

Course Materials:

The core texts for this class will be:


Additional course materials will be posted on TWEN. Please be sure to check TWEN regularly—at least once a week—for syllabus and course material updates.

Course Assignments:

Class 1 – Introduction to National Security Law

2. Dycus – pp. 1-22, 1313-1319

Class 2 – Separation of Powers in the National Security Arena

1. Dycus – pp. 22-51

Class 3 – National Security Powers of the President

1. Dycus – pp. 52-72, 77-90

Class 4 – National Security Powers of Congress and the Courts


Class 5 – International Law and Treaties

1. Dycus – pp. 164-189, 195-209

Class 6 – Legality of War (Jus ad Bellum)
1. Dycus – pp. 210-233

Class 7 – Law of War (Jus in Bello)

1. Dycus – pp. 234-236, 240-241, 244-246, 250-265

Class 8 – Entering Into War I: Self-Defense, Preemption, and Rescue (with case studies)


Class 9 – Entering Into War II: Peacekeeping and Humanitarian Interventions (with case studies)

1. Dycus – pp. 411-439

Class 10 – Case Study: Vietnam War

1. Dycus – pp. 270-306

Class 11 – The War Powers Resolution: Legislative and Executive Competition

1. Dycus – pp. 72-77 and 307-322

Class 12 – Introduction to Intelligence Collection, Operations, and Classified Information


Class 13 – Access to Classified Information and National Security Leaks


Class 14 – Introduction to National Security Surveillance and the STELLAR WIND PROGRAM

1. Dycus, pp. 553-558

2. Memorandum for the Attorney General Re: Review of the Legality of the STELLAR WIND PROGRAM, pp. 1-36 (May 6, 2004) (declassified; previously classified TOP SECRET//COMINT- STELLAR WIND//NOFORN) (TWEN) (note that this reading is pages 1-76 of the PDF, although there are numerous pages that are redacted)

Class 15 – Covert Action and Sensitive Military Operations
1. Dycus – pp. 472-503

Class 16 – Targeting Terrorists
1. Dycus – pp. 376-410

Class 17 – Habeas and Detention in National Security Cases I
1. Dycus – pp. 733-741, 764-773, 775-780, 787-806

Class 18 – Habeas in National Security Cases II

Class 19 – Interrogation of Terrorism Suspects
1. Dycus – pp. 895-906, 914-919, and 926-935

Class 20 – Federal Prosecution of National Security Cases
1. Dycus – pp. 981-986, 990-1003, 1016-1017, 1020-1023, 1027-1032

Class 21 – Military Commissions
1. Dycus – pp. 1064-1071, 1074-1094, and 1104-1109

Class 22 – Domestic Use of the Military
1. Dycus – pp. 1146-1150, 1156-65
2. OLC Memorandum on the Authority for Use of Military Force to Combat Terrorist Activities within the United States (Oct. 23, 2001) – pp. 15-34 (TWEN)

[Remaining Classes TBD]