Reading assignments. The casebook for this course is *National Security Law*, by Dycus, Berney, Banks & Raven-Hansen (fifth edition). Please note: The new fifth edition of the casebook, which was published in 2011, contains a large number of materials that were not included in earlier versions. PLEASE DO NOT BUY OBSOLETE EDITIONS OF THE CASEBOOK. I will also assign a number of supplemental readings throughout the semester. Fair warning: The casebook is organized somewhat counterintuitively, so we’re going to jump around a bit.

Class participation. I expect you to be prepared to discuss the assigned reading in every class session. In effect, each student will be “on call” in each class. I reserve the right to adjust your grade up or down a half-step (e.g., A to A-minus, or B to B-plus) based on your preparation and your contributions to class discussion.

Reaching me. I am available to meet with you virtually anytime. Please call or email to set up an appointment. My office is room 424, phone is (703) 993-4420, and email is nsales1@gmu.edu.

Course outline. The following outline is tentative and may change based on the speed with which we progress through the material. I will announce the reading assignments for upcoming classes at intervals throughout the semester. For the first class, please read assignment I.a. (“CB” refers to the casebook.)

I. Introduction
   a. Historical background (CB 1-23)
   b. *Steel Seizure* and separation of powers (CB 24-51; 60-67)

II. Initiating hostilities
   a. Congressional initiation of hostilities
      i. Perfect vs. imperfect war (CB 90-99)
      ii. 9/11 Authorization for Use of Military Force
      iii. Iraq Authorization for Use of Military Force (CB 354-63)
      iv. Appropriations and ending hostilities (CB 107-11; 298-306)
   b. Presidential initiation of hostilities
      i. *Curtiss-Wright* and presidential powers (CB 52-60; 67-72; 77-82)
      ii. Blockades, repelling attacks, and reprisals (CB 72-77; 343-54)
      iii. Rescues (CB 83-89; 367-75)
   c. War Powers Resolution (CB 307-22; Goldsmith analysis)
   d. The judicial role (CB 123-41)

III. International law and national security
   a. Treaties and international agreements (CB 163-84)
   b. *Jus ad bellum* (CB 210-17; UN Charter excerpts; Webster-Ashburton letters)
c. Geneva Conventions (CB 234-53; Third Geneva Convention excerpts; Reagan statement on Additional Protocol I; CB 1075-76; 1085-87)
d. Customary international law (CB 185-209)
e. Law of armed conflict (excerpts from Posner & Vermeule)

IV. Detention, prosecution, and interrogation
a. Military commissions (CB 766-75; 822-29; 1064-65; 1071-1113)
b. Military detention: *Eisentrager* and *Boumediene* (CB 764-66; 775-810)
c. Military detention: *Hamdi* and *al Marri* (CB 830-76)
d. Military detention: recent developments; civil detention (CB 876-92; NDAA and signing statement; CB 733-34; 739-41; 744-63)
e. Prosecuting terrorists in civilian court (CB 981-1015)
f. Interrogation (CB 903-22; Bybee memo pp. 2-6; Bradbury memo pp. 7-15, 28-46; Bybee memo pp. 31-46; CB 922-25; Army Field Manual pp. 8-6 to 8-18)
g. Extraordinary rendition (CB 952-77)

V. Intelligence
a. Introduction to intelligence (CB 525-32)
b. Electronic surveillance
   i. The Fourth Amendment and national security (CB 553-79)
   ii. FISA (CB 580-99; FISA excerpts)
   iii. Third party records and data mining (CB 633-40; 649-77; U.S. v. Jones excerpts)
   iv. Terrorist Surveillance Program and FISA modernization (CB 608-32; Clapper v. Amnesty International excerpts)
   v. NSA surveillance (readings to be determined)
c. Covert operations (CB 443-64; 472-88)
d. Targeted killings (CB 376-78; 387-410; Attorney General Holder speech)

VI. Using and protecting national security information
a. Classifying information (CB 1179-96)
b. Congressional access to classified information (CB 1242-49)
c. CIPA (CB 1016-43)
d. Exculpatory information (CB 1043-51)
e. State secrets privilege (CB 142-59)
f. Leaks of classified information (CB 1250-78)
g. Publication of classified information (CB 1279-1311)