



## FALL 2025 COURSE SYLLABUS

Course Number: 384-001  
Course Title: National Security Law  
Credit Hours: 3  
Grading Mode: Letter grade  
Meeting Time(s): MON/ WED, 8:10-9:35P  
Meeting Mode: ON CAMPUS  
Exam Time(s): DEC. 10, 6:00P  
Exam Mode: ON CAMPUS  
Prerequisite(s): N/A  
Corequisite(s): N/A  
Instructor(s):  
PAUL AHERN | HEATHER TREW

Paul Ahern, the Treasury Department's Counselor for Enforcement, is the senior official charged with coordinating the operational enforcement activities of Treasury's Office of Terrorism and Financial Intelligence, or TFI. He previously served as the Principal Deputy Assistant Secretary and Acting Assistant Secretary in TFI's Office of Terrorist Financing and Financial Crimes or TFFC. As the policy development and outreach office for Treasury's national security functions, TFFC works across all elements of the national security community, the private sector, and foreign governments to identify and address the threats presented by all forms of illicit finance. Before this role, Paul was the Assistant General Counsel for Enforcement and Intelligence, where he oversaw the provision of legal advice throughout TFI, to include supervising the chief counsel offices of OFAC and FinCEN. He began his Treasury career as the senior counsel to the Department's intelligence community element. Before joining Treasury, Paul was a Trial Attorney in the U.S. Department of Justice, focused on national security-related civil and criminal litigation. He clerked on the U.S. Circuit Court of Appeals for the Seventh Circuit and previously served as an officer in the U.S. Army.

Heather Trew is the Senior Vice President and Counsel for Bank Secrecy Act, Anti-Money Laundering, and Sanctions at the American Bankers Association (ABA). She joined ABA from the Department of the Treasury where she was a member of the Senior Executive Service and served as the Assistant General Counsel for Enforcement and Intelligence (E&I), the senior career official managing and overseeing legal support to Treasury's Office of Terrorism and Financial Intelligence (TFI). TFI develops and implements strategies and programs to combat terrorist financing, and fight financial crime. She led E&I for three years, having previously served as the deputy of that office, in addition to stints as the acting chief counsel for the Office of Foreign Assets Control (OFAC) and the Financial Crimes Enforcement Network (FinCEN), respectively. She also focused on virtual assets as a Counselor to the Treasury General Counsel. She is a two-time recipient of the Exceptional Service honor awarded by Treasury Secretaries Mnuchin and Yellen.

Prior to her eight years at Treasury, she spent eight years at the Department of Justice, where she served at the inception of the National Security Division (NSD), including as a Deputy Unit Chief in

the Office of Intelligence (OI). OI is the office that ensures U.S. intelligence community agencies have the legal authorities necessary to conduct intelligence operations, particularly operations involving the Foreign Intelligence Surveillance Act (FISA). Ms. Trew supervised attorneys practicing before the Foreign Intelligence Surveillance Court, helped exercise critical oversight over various national security activities of Intelligence Community agencies, and the lawful use of FISA information in legal and other proceedings. Ms. Trew is the recipient of both a National Intelligence Community Citation for her work as a member of the Intelligence Community Joint Plan of Action/Iran Negotiations Team, and an Assistant Attorney General Award for supporting the National Security Mission for her intelligence work.

#### Contact Info:

[pahern2@GMU.EDU](mailto:pahern2@GMU.EDU) | [htrew@GMU.EDU](mailto:htrew@GMU.EDU)

Please do not hesitate to contact us with any class-related questions, concerns or with requests to schedule a meeting. Please be mindful that it may take several hours / overnight to return a call or email but calls or emails will always be returned.

#### Reading(s) & Supplement(s):

*National Security Law* (8th Ed.), Dycus, Banks, Berman, Raven-Hansen, Vladeck. Aspen Casebook Series. ISBN 979-8-8890-6290-5.

The casebook will be supplemented with outside materials. National security law is an evolving discipline. Assignments may be adjusted from time to time given the pace of the course, as well as consideration of certain subjects or topics that require more attention or less attention, and real-world events. Please note that much of the work of the casebook is done in the notes and questions following presentation of the primary material.

### Course Overview

This lecture course will survey the distribution of national security powers among the three coordinate branches of government. The subject matter covered in this course is by definition very broad so the goal is to provide the proper legal foundation, including identifying the relevant fields of law, by which to analyze the numerous issues that arise within the national security subject matter. We will be applying the law to facts and policy determinations that arise in the national security context. In other words, the goal is to develop the foundational skills to think and work like a national security lawyer. Throughout this course, students will demonstrate not only their knowledge of the laws, rules and policies that govern the national security apparatus: legality of war, protection of national security information, foreign intelligence surveillance, covert action, prosecution of terrorism suspects, and cybersecurity, among other topics, but also how to apply those laws, rules, and policies to given fact patterns – to think and work as a national security lawyer. As in national security legal practice, students' objective is to provide the best counsel, grounded in their best legal advice.

### Course Learning Outcomes

At the end of this course students will be able to apply the course information and skills to real world situations as well as learn the skills for taking and passing the state bar exam. These are skills you will continue to develop for the remainder of your career

## Grading Policies

Students will receive a grade based on class participation and one final exam. Students should attend every class/discussion session having read and be prepared to discuss the materials assigned for that session. As contributions to class discussion, thoughtful and informed questions are as valuable as cogent and defensible answers. The exam will take place during the exam period designated for this semester. Further details will be provided as the semester draws to a close.

## Classroom Policies

**Attendance:** Per AR 3-1.4, “maintenance of matriculation requires regular class preparation, participation and attendance, registration in the course of study required for the student’s program (full-time or part-time), successive registration for each fall and spring term of each academic year until study is completed, and compliance with all other relevant requirements.”

Class attendance is obviously important and will be monitored. If you fail to attend class with some frequency without sufficient explanation, you may be precluded from taking the final exam.

**Absences:** Per AR 4-1.1, “if a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent from that session.”

### Participation & Preparation:

Classroom participation is part of the course requirements. Class participation is also the best way to improve or refine your skills to think like a lawyer in this evolving discipline. Everyone should get in the habit of reciting facts, applying the facts to the law, arriving at plausible analysis, and providing your best counsel.

### Use of Technology & AI:

Generative AI tools may be used in this course for the following purposes, and with the following guidelines. Students may use AI in this course to brainstorm, outline, study, and explore, but may not use AI as the primary source for research, during any quiz or exam, or during Socratic dialogue or class discussion. Students must use AI tools responsibly, verify facts presented by AI, disclose when AI tools are used to create course work product, properly cite any AI tools utilized, and should be prepared to produce the transcript of prompts and responses upon request. Misuse will be treated as a violation of academic standards.

### Class Recordings:

Use of the internet during class is only permitted for class-related searches or access to class-related material. Also, please silence or turn off your phones during class – texting or any other phone use is prohibited during class. Recording of the class in any way without prior approval is prohibited.

### Use of Electronic Text Books During Exams:

Students are permitted one laptop computer for exam taking purposes. Additional laptop computers or any other electronic data storage devices are not allowed in an exam room, unless permitted by the course instructor's *written* exam instructions. Electronic text books (e-books) may be used during exams that are designated as open book by the instructor, and the instructor allows text books to be used during the exam and allows access to a student’s computer files during the exam (open exam).

E-books may not be used in exams where the instructor does not allow students to access their computer files during the exam (secure exam) even if the instructor permits access to text books. If the instructor has blocked access to the internet or computer files, you must bring a hard copy of the allowed text book(s) you wish to consult. Students will need to borrow or otherwise locate a hard copy of the e-book or print resources needed from the e-book to take into the exam room. The instructor determines the length of the examination and whether or not it is secure or open and what, if any, study materials are permitted during the exam. Students are responsible for adhering to the instructor's standards for all examinations, which are included in the examination materials.

## Course Schedule & Assignments

### 8/18/2025    **Introduction to National Security Law**

- Chs. 1-2, pps. 1-23

### 8/20/2025    **Separation of Powers: The President's National Security Powers**

- Ch. 3, pps. 25-73
- *Youngstown* ("Steel Seizure Cases"), 343 U.S. 579 (1953), in its entirety
- International Emergency Economic Powers Act (IEEPA), 50 U.S.C. §§ 1701-1705

### 8/25/2025    **Separation of Powers: Congress**

- Ch. 4, pps. 75-122

### 8/27/2025    **Separation of Powers: The Courts**

- Ch. 5, pps. 123-71

### 9/01/2025    **Labor Day – No Class**

### 9/3/2025    **International Law and Treaties**

- Ch. 6, pps. 175-211

### 9/8/2025    **Extraterritorial Reach of U.S. Law**

- Ch. 7 pps. 213-40
- Ch. 29 pps. 955-60

### 9/10/2025    **The Right to Wage War and Int'l Humanitarian Law**

- Chs. 8-9 pps. 241-300

### 9/15/2025    **Using Force Abroad**

- Chs. 10-11 pps. 303-356

### 9/17/2025    **Targeted Killing**

- Ch. 12 pps. 357-98

### 9/22/2025    **Cyber Operations**

- Ch. 13 pps. 399-421

### 9/24/2025    **Intelligence and the Intelligence Community**

- Chs. 16-17 pps. 475-531

**9/29/2025 Intelligence Activities and Controls**

- Ch. 18 pps. 533-65

**10/1/2025 Fourth Amendment and National Security**

- Ch. 19 pps. 567-601

**10/6/2025 Information Collection: Foreign Intelligence Surveillance and Oversight**

- Chs. 20-21 pps. 603-53

**10/8/2025 Privacy, Financial Intelligence, and the Third-Party Doctrine**

- Ch. 22 pps. 655-94

**10/13/2025 Fall Break – No Class**

**10/15/2025 Habeas Corpus and the Suspension Clause**

- Ch. 25 pps. 771-811

**10/20/2025 Military Detention**

- Ch. 26 pps. 813-60

**10/22/2025 Preventive Detention**

- Ch. 27 pps. 861-93
- Alien Enemies Act, 50 U.S.C. § 21
- Presidential Proclamation, *Invocation of the Alien Enemies Act Regarding the Invasion of The United States by Tren De Aragua*, <https://www.whitehouse.gov/presidential-actions/2025/03/invocation-of-the-alien-enemies-act-regarding-the-invasion-of-the-united-states-by-tren-de-aragua/>
- Supplemental materials TBD

**10/27/2025 Interrogating National Security Detainees**

- Ch. 28 pps. 895-925

**10/29/2025 International Terrorism and Related Crimes**

- Ch. 29 pps. 929-66

**11/3/2025 Domestic National Security Crimes and Domestic Terrorism**

- Ch. 30 pps. 967-1041
- Supplemental materials TBD

**11/5/2025 National Security Prosecutions**

- Ch. 31 pps. 1043-81

**11/10/2025 Homeland Security**

- Chs. 32-33 pps. 1085-1139
- Presidential Memorandum, *Department of Defense Security for the Protection of Department of Homeland Security Functions*, <https://www.whitehouse.gov/presidential-actions/2025/06/department-of-defense-security-for-the-protection-of-department-of-homeland-security-functions/>
- Supplemental materials TBD

**11/12/2025 National Security Information**

- Ch. 34 pps. 1143-79

**11/17/2025 Economic Tools of National Security (time permitting)**

- Reading assignment TBD

**11/19/2025 Censorship, Course Review and Exam Preparation**

- Ch. 36 pps. 1229-53

## [Student Resources](#)

[Antonin Scalia Law School Academic Regulations](#)

[GMU Common Course Policies Addendum](#)

[Mason Square Services](#)

[Mason Square Police](#)

Van Metre Hall, Room 110

Emergency - Dial 911

Escort Services - 703-993-8070

Dispatch – 703-993-2810

[Student Support and Advocacy Center \(SSAC\)](#)

Mason Square Sexual Assault Services:

Van Metre Hall, Room 222D

703-993-8186

[Notice of Mandatory Reporting of Sexual Assault, Sexual Harassment, Interpersonal Violence, and Stalking:](#)

As a faculty member, I am designated as a “Non-Confidential Employee,” and must report all disclosures of sexual assault, sexual harassment, interpersonal violence, and stalking to Mason’s Title IX Coordinator per University Policy 1202. If a student wishes to speak with someone confidentially, please contact one of Mason’s confidential resources, such as Student Support and Advocacy Center (SSAC) at 703 -380-1434 or Counseling and Psychological Services (CAPS) at 703 -993-2380. Students may also seek assistance or support measures from Mason’s Title IX Coordinator by calling 703 -993-8730, or emailing [titleix@gmu.edu](mailto:titleix@gmu.edu).

[Mason Square Clinic](#)

Van Metre Hall, Room B102

703-991-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[Student Conduct](#)

[University Life](#)