



SPRING 2026 COURSE SYLLABUS

Course Number: Law 148-001

Course Title: Covert Action and Special Operations (CASO) Law

Credit Hours: 2

Grading Mode: Letter Grade

Meeting Time(s): Wednesday 8:10-10:10 p.m.

Meeting Mode: In person

Exam Time(s): N/A

Exam Mode: Final long paper

Prerequisite(s): None

Corequisite(s): None

Instructor(s):

Salahudin Ali and Daniel Pines

Contact Information and Office Hours:

Sali44@gmu.edu

Dpines2@gmu.edu

Reading(s) & Supplement(s):

No textbook. All reading materials are listed below for each class and should be available on-line without subscription or cost

Course Overview:

This course will explore the laws and policies around U.S. government covert action and special operation efforts broadly and will survey the wide range of legal issues implicated by such efforts at home and overseas.

Course Learning Outcomes:

The course will bring legal and ethical considerations into focus by delving into case studies in the covert action and special operations law spaces. Issues to be addressed will include but not be limited to the applicable international and domestic law, the

authorities for the use of force, offensive operations overseas, domestic counterterrorism efforts, surveillance of terrorists, detention and interrogation of terrorism suspects, and other legal issues related to covert action and special operations. A portion of this course will be dedicated to learning how laws pertaining to covert action and special operations fit into the greater national security law apparatus and play out in the American legal system with its separation of powers, to include how to think like a national security lawyer. Throughout this course, students will not only expand their knowledge of the laws and policies that govern the related areas but also conduct basic academic research. Through class discussions and a final written assignment, students will focus on presenting and defending a clear thesis, researching in law and other disciplines, and writing a well-organized and thoughtful position paper. At the end of this course, students will not only have a better understanding of substantive areas of law, but also increase their academic research, writing, and speaking skills.

Grading Policies:

Participation %: 20

Midterm Exam/ Paper %: None

Final Exam/ Paper %: 80

Additional Content %: None

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.”

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:

Active participation in class discussions is required. Students are expected to be fully prepared for each class session, by having read all of the required reading and thought about the ideas presented in them.

Use of Technology & AI:

Moderate Use Policy: 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 or as the primary source for text of written assignments. 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.

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

Week 1:

Date: January 14, 2026

Topic: **Intro to Course and review of the syllabus**

Assignment(s): No reading required

Week 2:

Date: January 28, 2026

Topic: **Presidential Power**

Assignment(s):

United States Constitution, Art I, Sec 1 and 8; Art II, Sec 1 and 2; Art III; Article IV, Section 4; Article 6; Amendments 1, 4 ,5 ,6, 8, and 14 (Section 1).

[United Nations Charter](#): Chapter I (Articles 1-2); Chapter VI (Articles 33-38); Chapter VII (Articles 39-42, 48-51); Chapter XIV (Articles 92-96).

[Universal Declaration of Human Rights](#): Articles 1-3, 5-15, 17-20, 28-30.

[United States v. Curtiss-Wright Export Corp., 299 U.S. 304 \(1936\)](#).

[Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 \(1952\)](#).

[Dames & Moore v. Regan, 453 U.S. 654 \(1981\)](#).

Week 3:

Date: February 4, 2026

Topic: **Introduction to the U.S. Military**

Assignment(s):

10 U.S.C., Subtitle A, CH 1-5 (Skim); Subsec. 161-167b.

[The War Powers Resolution of 1973 \(P.L. 93-148\)](#).

[Joint Publication 3-05, "Special Operations," dated 16 July 2014](#) (Skim).

[Goldwater-Nichols at 30: Defense Reform and Issues for Congress, CRS Report No. R44474, Updated 2 June 2016](#) (Skim).

Week 4:

Date: February 11, 2026

Topic: **Introduction to the CIA (including Title 10 vs. Title 50)**

Assignment(s):

Re-Skim title 10 statutes from Week 3.

[Executive Order 12333](#), as amended (skim, but pay close attention to section 1.7, especially 1.7 (a) (4)).

50 U.S.C. sections 3003-3004 and 3021-3062 (SKIM only!).

Read carefully 50 U.S.C. sections 3035-3038 and 3091-3094.

[DoDM 5240.01, "Procedures Governing the Conduct of DoD Intelligence Activities,"](#) dated 27 September 2024.

Week 5:

Date: February 18, 2026

Topic: **Deep Dive into Special Operations**

Assignment(s):

10 U.S.C., subsec. 167.

[CRS Report RS21048 \(2025\)](#).

[CRS Report R45191 \(2023\)](#).

[DoD IG Report, Evaluation of Defense Sensitive Support Activities, dated 5 January 2015.](#)

Week 6:

Date: February 25, 2026

Topic: **Deep Dive into Covert Action**

Assignment(s):

Reread carefully 50 U.S.C., Subsec. 3091-3094.

[Conference Report on H.R. 1455, the Intelligence Authorization Act for Fiscal](#)

[Year 1991 \(July 25, 1991\) | Senate Select Committee on Intelligence](#) (Read only pages 26-31 of the report, especially for definitions of “Covert Action” and “Traditional Military Activities”).

Devine, Michael E., Covert Action and Clandestine Activities of the Intelligence Community: Selected Congressional Notification Requirements, CRS R45191 (updated July 10, 2023), available at [Covert Action and Clandestine Activities of the Intelligence Community: Selected Congressional Notification Requirements | Congress.gov | Library of Congress](#).

Documents related to the 1979 Afghanistan Covert Action: [Memorandum Prepared in the Central Intelligence Agency for Members of the Special Coordination Committee](#) (Feb. 28, 1979);

[Report Prepared in the Central Intelligence Agency](#) (Aug. 22, 1979);

[Summary of Conclusions of a Special Coordination Committee Meeting](#) (Oct 1979);

[Memorandum from Director of Central Intelligence Turner to the Chairman of the Special Coordination Committee](#) (Feb. 21, 1980).

Week 7:

Date: March 4, 2026

Topic: **Special Operations vs. Covert Action**

Assignment(s):

Interview of former Deputy CIA Director, Michael Morell and former Commander of United States Special Operations Command, Admiral William McRaven, "[The Road to Abbottabad: Ten Years Later](#)," The Hayden Center, George Mason University, September 11, 2020. (Please pay particular attention to segments 23:10-29:30, 51:48-54:13, and 1:14:35-1:15:51).

Berger, Joseph B., [Covert Action: Title 10, Title 50, and the Chain of Command. JFQ-67, 32-39](#) (2012).

[OLC opinion for Syria, 42 Op. O.L.C. 39](#) (2018).

[Nicaragua v. United States](#) (summary on Wikipedia, only).

Week 8:

Date: March 18, 2026

Topic: **Cyber Operations under Special Operations and Covert Action**

Assignment(s):

[Department of Defense, Summary - Cyber Strategy 2023](#) (23 pp.).

10 USC 167b “Unified Combatant Command for Cyber Operations.”

[CRS Report # IF0537 “Defense Primer: Cyberspace Operations.”](#) (3 pp.).

[CRS Report # IF 11995 “Use of Force in Cyberspace.”](#) (3 pp.).

[Peter Pascucci and Kurt Sanger, Revisiting the Framework for Military Takedowns Against Cyber Criminals, Lawfare \(2021\)](#) (4 pp.).

[Robert Chesney, “The Domestic Legal Framework for US Cyber Operations.” A Hoover Institution Essay, Aegis Series Paper No. 2003.](#) (16 pp.).

[Corey Pray, “It’s The Principle: Defining Sovereignty in The Context of Cyber Operations”, 7 Nat’l Sec. L.J. 272 \(2021\)](#) (14 pp.).

[Hans-Georg Dederer and Tassilo Singer, Adverse Cyber Operations: Casualty, Attribution, Evidence, and Due Diligence, 95 Int’l L. Stud. 430, 430-66 \(2019\)](#) (36 pp.)

[A Matter of Trust: Covert Action Reconsidered, Michael Warner, CIA Studies in Intelligence, Vol. 63, No. 4 \(December 2019\)](#) (9 pp.)

Week 9:

Date: March 25, 2026

Topic: **Controversies surrounding Special Operations and Covert Action**

Assignment(s): Students will be divided into small teams. Each team will be assigned a well-known special operation or CA program, and will research and plan to discuss with the class the legal issues/controversies surrounding that operation/program.

Week 10:

Date: April 1, 2026

Topic: **Special Operations and Covert Action in Popular Culture**

Assignment(s): Watch “The Good Shepherd” and “Clear and Present Danger” and be prepared to discuss the covert action and special operations issues raised in the films.

Week 11:

Date: April 8, 2026

Topic: **Potential changes to the laws of Special Operations and Covert Action**

Assignment(s):

Each student should consider and be prepared to discuss in class a change or set of changes they believe should be made to the laws surrounding special ops or CA.

In addition, please read ["Narrowing “The Gap”: Counter Gray Zone Operations" by Raul \(Pete\) Pedrozo.](#)

[Real World Examples of Successful Gray Zone Operations | by Dr Robert Muller | Medium.](#)

Week 12:

Date: April 15, 2026

Topic: **Outside Speaker**

Assignment(s): TBD based on outside speaker

Week 13:

Date: April 22, 2026

Topic: **Outside Speaker**

Assignment(s): TBD based on outside speaker

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.

[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](#)