



SUMMER 2026 COURSE SYLLABUS

Course Number: 654-R01

Course Title: Counterterrorism Law Seminar

Credit Hours: 2

Grading Mode: Letter-graded

Meeting Day(s)/ Time(s): TUE 6:05-9:00p

Meeting Mode: Online

Exam Day(s)/ Time(s): N/A

Final Exam Mode: PAPER

Prerequisite(s): N/A

Corequisite(s): N/A

Instructor(s): CRAIG LISHER

Contact Information: clisher@GMU.EDU

Office Hours: Appointments can be made to meet in person, over Zoom, or by telephone.

Course Overview

This course will explore the laws and policies around U.S. government counterterrorism efforts with a focus on how legal authorities operate in practice under conditions of uncertainty, time pressure, and evolving threats. Core topics include intelligence collection and surveillance, domestic and international counterterrorism authorities, detention and interrogation, prosecutions, and the intersection of national security and civil liberties.

Course Learning Outcomes

The class will examine the evolution of executive and legislative branch authorities, including issues related to the separation of powers, constitutional and civil liberties issues, and the application of legal principles to the resolution of pressing and novel national security problems. Of particular note:

- Students will learn about the legal tools used by the executive branch in combating international and domestic terrorism in the United States; the role of the legislative branch in shaping the conduct of counterterrorism activities; and the impact of significant judicial opinions in this field.
- Students will learn about the tensions facing the United States in conducting counterterrorism activities by exploring the legal framework surrounding electronic surveillance, criminal detention and interrogation, entrapment, and immigration issues.
- Students will develop the ability to evaluate counterterrorism decisions in real-world scenarios, including identifying legal authorities, assessing risk, and balancing security and civil liberties.
- Throughout the course, students will study the events surrounding 9/11, other significant terrorist attacks, and designated Foreign Terrorist Organizations; and be able to analyze counterterrorism-related legal issues, and provide cogent authorities-based arguments when addressing those issues.

Reading(s) & Supplement(s):

The course does not use a textbook; the syllabus includes readings from a variety of sources. Course materials are available on WESTLAW/LEXIS (if cases/statutes/etc.) or are linked below or posted on TWEN (where indicated). Be sure to pull and read all materials ahead of the relevant class.

We will rely heavily on the [National Commission on Terrorist Attacks Upon the United States, Report of the Commission](#) ("9/11 Commission Report") (2004).

Grading Policies

Participation & Preparation %: 25

Between 10-15 students; two credits; one three-hour class per week. Active participation in class discussions is required and students are expected to be fully prepared for each class session.

Grades will be based on a final paper and class participation consistent with the law school grading policy. The final paper will consist of 75% of the final grade, while class participation, including discussion leadership and the final paper presentation, will consist of the remaining 25%. Class attendance will also factor into grading, consistent with law school policy.

As the seminar tries to address complicated and controversial legal issues associated with national security and counterterrorism, a free-flowing discussion of divergent views necessarily enriches the learning experience.

To help encourage class participation and to help you to develop your own skills as a lawyer, each class I will assign students to help lead class discussion. The assigned student or students should be prepared to lead the discussion of the assigned reading materials for the week.

In addition, at the end of the course, each student will also be required to give a 5–10-minute oral presentation on their final paper.

Final %: 75

The remaining portion of your grade in this class will be based on a final paper of no less than 20 pages on a subject of your choice and approved by your professor. **Final Papers are due on Thursday, July 2.** Papers must be double-spaced, in 12-point Times New Roman font, with one-inch margins, and with page numbers. Citations should be in footnotes. Please provide both a PDF version and a Word processing version of your paper. The electronic copy makes it easier to check for plagiarism.

Additional Information:

Final Paper Topics are due on Tuesday, June 2. Final Paper Outlines are due Tuesday, June 16.

Do not plagiarize. Plagiarism is the appropriation of the words, ideas, or thoughts of another and representation of them as one's own original work. You must cite your sources not just when you quote them directly, but also when you paraphrase them or use their ideas. In some sections of your paper, this may require a citation for each sentence. If you plagiarize, you will fail and be disciplined.

Students are encouraged to select a topic that addresses a current or emerging issue in counterterrorism law and proposes a clear legal or policy recommendation. A good paper will do more than simply describe or summarize the cases and articles concerning a certain area of the law. It will not just explain the two sides of an issue and conclude that you agree with one side of the reasons it expressed in its arguments. A good paper will contribute something new: a unique, creative theme or idea that will drive your paper. A good paper will also reflect first-rate editing (i.e., style, structure, organization, grammar, spelling, etc.) and citation technique and format, such as you would use in submitting a document to a court or to your employer.

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.”

Use of Technology & AI:

Strict Use Policy: The use of generative AI tools is not permitted for any coursework in this course. Unauthorized use will be treated as a violation of academic standards.

Class Recordings Prohibited:

- Pursuant to Academic Regulation 4-2.2, no portion of a class session or an examination may be preserved by means of a recording device such as an audio recording device, camera, or computer.
- Any exceptions to this policy must be expressly authorized in writing by the instructor(s).
- The instructors do not intend to record the weekly course meetings.

Course Specific Policies:

- Students are expected to complete the assigned readings before each week’s class and to come prepared to discuss them. Socratic dialogues will be employed by the instructors to facilitate learning outcomes.
- If unforeseen circumstances prevent a student from preparing for class, the student is nonetheless encouraged to attend and should inform the instructors in advance if they are not prepared to be called upon.
- All students are expected to treat each other and the instructors with courtesy and respect.
- Ideas and theories are welcome and encouraged to be challenged, but such critiques should never take the form of personal attacks on another speaker within the classroom setting.
- The instructors seek a safe academic environment wherein ethical and philosophical issues can be intellectually explored.
- Students must use their GMU email account to receive important University information, including communications related to this class.
- The instructors will not respond to messages sent from or send messages to a non-Mason email address

Course Schedule & Assignments

Class 1 (5/19/2026): 9/11 & Separation of Powers

Introduction: September 11, 2001

- 9-11 Report Chapter 2: The Foundation of the New Terrorism
- "[Declaration of Jihad Against the Americans Occupying the Land of the Two Holy Mosques](#)," Al Islah (London), September 2, 1996.
- [Interview with Osama Bin Laden](#), May 1998, PBS Frontline.
- Mike Mukasey, [The Political Pendulum](#), Speech at Boston College, 2008.

National Security and the Separation of Powers

- [Curtiss-Wright Export Corp. v. United States](#), 299 U.S. 304 (1936)
- [Youngstown Sheet & Tube Co. et al. v. Sawyer](#), 343 U.S. 579 (1952)
- Executive Order 12333: [EO 12333](#)
- Guest Speaker: Ground Zero on 9/11 (8-9pm)

Class 2 (5/26/2026): Separation of Powers & Civil Liberties

Separation of Powers and the Role of the Courts

- 9-11 Report Chapter 3: Counter-Terrorism Evolves
- [Hamdi v. Rumsfeld](#), 542 U.S. 507 (2004)
- [Bin Ali Jaber v. United States](#), 861 F.3d 241 (D.C. Circ. 2017)

Safety & Security v. Privacy & Liberty

- [U.S. v. United States District Court](#), 407 U.S. 297 (1972) (the "Keith Case")
- Victoria L. Killion, [Congressional Research Service: Terrorism, Violent Extremism, and the Internet: Free Speech Considerations](#) (May 6, 2019).

Class 3 (6/2/2026): Domestic Terrorism

- **Paper Topics Due**
- 9-11 Report Chapter 6: From Threat to Threat
- Lisa N. Sacco, [Congressional Research Service: Understanding and Conceptualizing Domestic Terrorism](#) (December 29, 2023).
- Bobby Chesney, [Should We Create a Federal Crime of 'Domestic Terrorism'?](#), Lawfare (August 2019).
- Mary McCord, [Lessons for Countering the Domestic Terrorism Threat 20 Years After 9/11](#), Journal of National Security Law & Policy.
- Seth G. Jones, Catrina Doxsee, and Nicholas Harrington, "[The Escalating Terrorism Problem in the United States](#)." CSIS Brief (June 2020).
- **Guest Speaker: Charlie Savage, Journalist/Author New York Times (7-8pm)**

Class 4 (6/9/2026): Counterterrorism Investigations & Surveillance

Counterterrorism Investigations

- 9-11 Report Chapter 7: The Attack Looms
- 9-11 Report Chapter 8: The System Was Blinking Red
- David Kris, [Law Enforcement as a Counterterrorism Tool](#), Brookings Institute, 2010.

- [Holder v. Humanitarian Law Project](#), 561 U.S. 1 (2010)
- [In re Terrorist Bombings, U.S. Embassies East Africa](#), 552 F.3d 157 (2d Cir. 2008)
- Indictment: U.S. v. Alexandra Kotev and Elshafee Elsheikh, 1:20-CR-239 (EDVA Judge Ellis filed October 6, 2020).
- Selected Terrorism Statutes (Familiarize only):
- 18 U.S.C. § 2331
- 18 U.S.C. 2332
- 18 U.S.C. 2332a
- 18 U.S.C. 2332b
- 18 U.S.C. 2332f
- 18 U.S.C. 2339A
- 18 U.S.C. 2339B

FISA Surveillance and Section 702

- Edward C. Liu, [Foreign Intelligence Surveillance Act \(FISA\): An Overview, Congressional Research Service](#) (April 6, 2021).
- Edward C. Liu, [Surveillance of Foreigners Outside the United States Under Section 702 of the Foreign Intelligence Surveillance Act \(FISA\)](#), Congressional Research Service (April 13, 2016).
- [United States v. Muhtorov](#), 20 F.4th 558 (10th Cir. December 8, 2021).
- Guest Speaker: FBI Counterterrorism Investigations (8-9pm)

Class 5 (6/16/2026): Counterterrorism Trials

Constitutional & Evidentiary Issues

- 9-11 Report Chapter 11: Foresight – and Hindsight
- [U.S. v. Abdulmuttalab](#), Order Denying Motion to Suppress, 2011 WL 4345243 (D. Mich. Sept. 16, 2011)
- [U.S. v. Abu Kattalah](#), Order Denying Motion to Suppress (D.D.C. Aug. 16, 2017)

Stings and Entrapment

- [United States v. Cromitie](#), 727 F.3d 194 (2d Cir. 2013)
- [United States v. Mohamud](#), 843 F.3d 420 (9th Cir. 2016)
- Rozina Ali, [“The ‘Herald Square Bomber’ Who Wasn’t”](#), NY Times Magazine (Apr, 15, 2021).
- Guest Speaker: Former Federal Counterterrorism Prosecutor

Class 6 (6/23/2026): Detention & State Sponsors

Detention and Interrogation

- [Boumediene v. Bush](#), 553 U.S. 723 (2008).
- [EO 13493](#) (Obama)
- [OLC memo on Standards for Conduct for Interrogation](#) under 18 U.S.C. §§ 2340–2340A (Aug. 1, 2002)
- [EO 13823](#) (Trump)

State Sponsors of Terror

- Matthew Levitt, [“Tehran’s Homeland Option: Terror Pathways for Iran to Strike the United States”](#) Combating Terrorism Center (Aug 2025)

- [“Tehran’s Shadow Army: Addressing Iran’s Proxy Network in the Middle East.”](#) Written Statement by Suzanne Maloney to the Senate Foreign Relations Committee, February 28, 2024
- Press Release: [Iranian Intelligence Agent Convicted of Terrorism and Murder for Hire in Connection With Foiled Plot to Assassinate U.S. Politicians And Government Officials](#), United States Attorney’s Office for the Eastern District of New York (March 6, 2026)
- Press Release: [Two Russian Mob Leaders Sentenced to 25 Years in Prison for Murder-For-Hire Targeting a Journalist on Behalf of the Iranian Government](#), United States Department of Justice (October 30, 2025)
- Fireside Chat with Former FBI Executive Assistant Director for National Security

Class 7 (6/30/2026): What Comes Next? & Student Paper Presentations

This class will focus on emerging threats and the future of counterterrorism law, building on the legal frameworks studied throughout the course.

- [Global Terrorism Threat Assessment](#), Center for Strategic and International Studies (March 2025) (Pages 1-16, 41-43).
- [Annual Threat Assessment of the Intelligence Community](#) (2026) Office of the Director of National Intelligence (March 2026) (Pages 7-10)
- Nicolas Stockhammer, [From TikTok to Terrorism? The Online Radicalization of European Lone Attackers since October 7, 2023](#), Combatting Terrorism Center, Volume 18, Issue 7 (July 2025)
- Gabriel Weimann, et. al, [Generating Terror: The Risks of Generative AI Exploitation](#), Combatting Terrorism Center, Vol 17, Issue 1 (January 2024)
- Each student will deliver a 5–10 minute presentation summarizing their final paper and proposed legal or policy recommendations

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](#)

[University Life](#)