

NATIONAL SECURITY LAW

Syllabus - Fall Semester 2015

Professor Williams

Wednesdays, 6:30 p.m. – 9:45 p.m. Room 102

Office Hours, Wednesdays 9:00 a.m. – 10:30 a.m.;
Thursdays 1 p.m. – 4:00 p.m.

Room 307

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Goals

Students should be able to identify, construct and apply (legal!) national security policies to a variety of issues and situations. This should come from a greater understanding of the past and present National Security policies of the United States, as well as national and international laws regarding the use of force, and the political impact thereof.

Grading

This is a paper course and thus the final paper will make up the majority of your grade. The final paper must be at least **20 pages total**, including 10 pt. font footnotes. Class participation will count for up to +/- .3 points of your final grade. It is wise to read for class and participate in class discussion. In addition to speaking, class participation includes (1) attendance, (2) punctuality, (3) preparation and (4) professionalism.

Key Dates

October 9, 2015: All paper topics due by 5 p.m. PST. There will be no changing of paper topics so choose wisely. Feel free to consult with me about your topic.

November 1, 2015: Rough Draft due by 5 p.m. PST on TWEN. Everyone must turn in some kind of rough draft. It can be 1 page or 30, but the more you turn in, the more I will review.

December 9, 2015: All papers due by 12:00 p.m. noon PST on TWEN.

TWEN

Please sign up for the TWEN cite for this course. The password is “compiegne”.

Course Materials

National Security Law is a particularly fluid field of study. As such, there is no textbook for the course. All of the readings are free and available to you either online, through Westlaw, or handout. The readings for each week will be provided to you in advance, and consist of articles, cases, and other materials I have compiled for your review. The following are the scheduled reading assignments as of August 2015. Though not anticipated, any changes to the syllabus will be clear and announced in advance, both in class and on TWEN.

I. History and the Study of War

Class 1 – Kenneth W. Kemp, “Just War Theory”

<http://courseweb.stthomas.edu/kwkemp/Papers/JWTR.pdf> pg. 1; Kenneth Waltz, Man the State and War, (1954), the Introduction, p. 1 – 15. (TWEN) and/or Google Books online.

II. The Use of Force in International Relations - Necessity & Proportionality

Class 2 – Article 2(4) and Article 51, UN Charter; Crisis in the Gulf – John Moore (selected pgs); Letter to UN SC (TWEN); Charney - the Right to Self-Defense?, 95 Am. J. Int'l L. 835; Franck: Self Defense is a Right, 95 Am. J. Int'l L. 839. Security Counsel Resolutions 678, 687, 1441 (Online); Colin Powell's speech (TWEN).

Class 3 – Geneva Conventions, Common Article 3 (Online); In Class Simulation

III. Separation of Powers and National Security Law

Class 4 – Articles 1 – 3 of the U.S. Constitution (handouts and on TWEN). Harold Koh and the Role of Congress (Selected pages); Federalist Papers, Pacificus/Helvidius debates (TWEN or Online); *United States v. Curtiss-Wright Export Corp.* 299 U.S. 304, 315-321 (1936); *Youngstown Sheet & Tube Co. v. Sawyer* 343 U.S. 579 (1952) (selected pages).

Class 5 - Robert Turner, *Truman, Korea, and the Constitution: Debunking the “Imperial President” Myth*, 19 Harv. J.L. & Pub. Pol’y 541 – 547 (1996); The War Powers Resolution (Handouts/TWEN); John Hart Ely, War and Responsibility, Chapter 1 (TWEN); Jane E. Stromseth, 106 Yale L.J. 845 (selected pages).

Class 6 – In class simulation; *Ex-Parte Milligan*, 71 U.S. 2 (1866).

IV. War and Individual Liberties

Class 7 – *Korematsu v. United States*, 323 U.S. 214 (1944), *Ex Parte Endo*, 323 U.S. 283 (1944), *New York Times Co. v. United States*, 403 U.S. 713 (1971) (TWEN); Eric Snowden and NSA spying (TWEN).

Class 8 – *Ex Parte Quirin*, 317 U.S. 1 (1942); Bush Memo to Cheney, 2002 (TWEN); *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004). CSRT Article.

Class 9 – Movie and Story – no reading required.

Class 10 - [*Boumediene v. Bush* 128 S. Ct. 2229 \(2008\)](#) (selected pages). NDAA 2012.

Class 11 - In Class Simulation – no reading required.

V. **Terrorism and National Security Law**

Class 12 – Egyptian Islamic Jihad and Ayman al-Zawahiri (Online); The Rise of the Islamic State (formerly known as ISIS).

Class 13 – Predator Drones (TWEN); The Kill List, selected works (Online and TWEN).

Class 14 – Story.

DISABILITY SERVICES STATEMENT: Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law. To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Second Floor Students Services Suite. Dean Espinoza’s phone number and email address are: (714) 459- 1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather

necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Associate Dean of Students Charles Sheppard at csheppard@wsulaw.edu or (714) 459-1152. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."