

Professor Hogue  
Ver. 1.5  
Spring 2010 (last revised 04/13/10)

## **National Security Law Law 7413**

### **PRELIMINARY SYLLABUS**

**OFFICE HOURS:** Office hours may be arranged by appointment. Please e-mail me to set up an appointment: lhogue@gsu.edu

**CASEBOOK:** Dycus, Berney, Banks and Raven-Hansen, **NATIONAL SECURITY LAW (Aspen Publishers, Wolters Kluwer, Fourth Edition 2007) and 2009-2010 Supplement.**

**EVALUATION:** Grades in the course are based entirely on a paper to be submitted no later than the end of the final examination period. The topic must be approved by the instructor.

**CLASS ATTENDANCE:** Roll is taken at each class. Students are responsible for signing the roll. Students bear the burden on this. The roll is conclusive and irrefutable as to whether you were present for class or not.

**CLASS PARTICIPATION:** Students are expected to come to class prepared to discuss the materials assigned for the class that day.

**CLASSES:** Tuesdays from 1:15 – 2:30 PM in Room 330.

**LAPTOP COMPUTER POLICY:** Students are not to use laptops for anything other than note taking or other work directly related to what is happening in class at the time. The only exception is brief answers to occasional emails that need immediate attention. Students who use their laptops for purposes other than class in excess of these limitations should indicate on the roll that they are absent from class. Failure to do so is an Honor Code violation.

### **SYLLABUS UPDATES:**

The field of National Security Law continues to evolve rapidly. The 2009-2010 Supplement to National Security Law (4th edition) published by Aspen in August contains materials for classroom use that reflect the most important developments – through mid-July when the book went to press – but further updating will be required to reflect developments since the Supplement was published. The Syllabus will be updated to reflect changes as needed. Please consult the web-based version of the Preliminary Syllabus for the most current class assignments.

## **READING ASSIGNMENTS**

**(N.B. tentative and subject to revision)**

### **PART I Introduction and Framework**

1. Jan. 11 read pp. xxxi – xxxiii and 1 – 26 (Preface and Chaps. 1 – 2)

2. Jan. 13 read pp. 27 – 58 ((Chap. 3)

January 18 MLK HOLIDAY – No Class

3. Jan. 20 read pp. 59 – 92 (Chap. 4)

4. Jan. 25 read pp. 93 – 156 (Chaps. 5 -- 6)

5. Jan. 27 read pp. 157 – 198 (Chap. 7)

### **PART II Using Force Abroad**

6. Feb. 1 read pp. 201 – 239 (Chap. 8)

7. Feb. 3 read pp. 240 – 283 (Chaps. 9 – 10)

8. Feb. 8 read pp. 284 – 336 (Chaps. 11 – 13); 2009-10 Supp. pp. 1-7 (insert at p. 315)

### **Part III Conducting Intelligence Operations Abroad**

9. Feb. 10 read pp. 339 – 368 (Chap. 14)

10. Feb. 15 Assignment continued

11. Feb. 17 Assignment continued

### **PART IV Fighting Terrorism**

12. Feb. 22 Assignment continued

13. Feb. 24 Assignment continued

14. Mar. 1 [N.B. Skip ahead! See entry for Mar. 17 infra. for an explanation and overview.] read pp. 465 – 505 (Chap. 17 – 18)

**DEADLINE NOTICE: Paper topics together with a brief, one-page outline, and a brief bibliography are due not later than today. Please submit in hard copy and e-mail me a copy as well. All paper topics must be approved by the March 3 class.**

15. Mar. 3 read pp. 506 – 587 (Chaps. 19 – 20) See 2009-2010 Supp. re pp. 546, 556, 559 and 581.

Mar. 8 - 12 **SPRING BREAK**

16. Mar. 15 read pp. 588 – 613 and 2009-2010 Supp. pp. 102 – 133 (Chaps. 21 – 22) [N.B. Chap. 22 in the Casebook is replaced by Chap. 22 in the Supplement.]; [N.B. Skip Chap. 23]; read pp. 664 – 679 (Chap. 24) See 2009-2010 Supp. re pp.590, 613, 614, and 679. [N.B. Skip Chap. 25]

17. Mar. 17 read pp. 703 – 758 (Chap. 26) See 2009-2010 Supp. re p. 758.

Justice David E. Nahmias of the Georgia Supreme Court will be with us to discuss difficult choices involved in investigation and detention of terrorism suspects and the role of lawyers in giving advice on these issues. He will be using the Jose Padilla case, which he worked on while at the Justice Department, so pay particular attention to the Padilla case excerpts. The class format will be primarily question and answer, so come prepared to ask questions. As further background, Justice Nahmias has asked that you read the following:

“Remarks Prepared for Delivery by Attorney General Michael B. Mukasey at the 2008 Annual Meeting of the Federalist Society”

<http://www.justice.gov/archive/ag/speeches/2008/ag-speech-081120.html>

and

William J. Haynes II, “‘We Were at War’ The Legal Consequences of 9/11.” (June 16, 2009)

<http://www.weeklystandard.com/Content/Public/Articles/000/000/016/638vmrbw.asp?pg=1>

18. Mar. 22 **CLASS BEGINS AT NOON**. We will watch and discuss the film “The Battle of Algiers,” a case study of counterterrorism policy. (You may bring your lunch.

19. Mar. 24 read pp. 703 – 758 (Chap. 26) and Supp. pp. 213 – 255

20. Mar. 29 read pp. 759 – 816 (Chap. 27) ) and Supp. pp. 255 – 265

21. Mar. 31 read pp. 817 – 847 (Chap. 28) and read CHARLIE SAVAGE, “Obama Team Split on Tactics Against Terror,” New York Times, March 29, 2010 (2010 WLNR 6494620).

22. Apr. 5 read pp. 848 – 875 (Chap. 29) and Supp. pp. 265 – 289

23. Apr. 7 read pp. 876 – 906 (Chap. 30) and Supp. pp. 290 – 304

24. Apr. 12 read pp. 907 – 943 (Chap. 31) and Supp. pp. 305 – 308

25. Apr. 14 read pp. 907 – 972 (Chaps. 31 – 32) and Supp. pp. 308 – 312 And read “Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment” (7 April 2009)  
<http://www.fas.org/irp/eprint/rightwing.pdf>

### **Part V Obtaining and Protecting National Security Information**

26. Apr. 19 read pp. 975 – 1019 (Chaps. 33 – 34) and Supp. pp. 312 – 318

27. Apr. 21 read pp. 1020 – 1050 (Chap. 35) and Supp. pp. 318 – 339

26. Apr. 26 read pp. 1051 – 1111 (Chaps. 36 and 37) and Supp. pp. 318 – 352