

National Security Law

POL 300

Dr. Tobias T. Gibson

6/1/2015-7/10/2015

The purpose of this class is to provide an understanding of the sources, impact and limitations of laws that impact the national security of the United States. We will look at the three branches of government and the roles that each plays in the legal environment related to national security. Additionally, there will be discussion of international law and the effect that laws from beyond our borders influences the security of the United States. At root, however, we will explore, and join, the classic debate between liberty and security.

Contact information and Office Hours:

My email address is tobias.gibson@westminster-mo.edu and my office phone is (573) 592-5185. Also, for technology issues, please email Help@westminster-mo.edu with “re:Moodle” in the subject line. Please feel free to use either of these at any time. Please recognize, however, that I cannot ensure an immediate response. Additionally, I plan to spend approximately 1-3 hours daily online working on this class. I can respond to posts, add my own thoughts, and perhaps ask another question or two or three. I will be on most mornings and evenings.

Teaching Philosophy:

I believe in an interactive classroom, whether in the traditional classroom setting or in an online educational experience. **Each student is required to offer careful, reflective analysis of the readings and questions posed by both the professor and fellow students.** An interactive environment allows for the refining of thoughts, views and arguments. It also promotes critical thinking and provides for multiple viewpoints that would not otherwise have been shared. Also, please note that there will be several articles posted weekly which are not on the syllabus. This is because of the frequent updates to the subject matter. To give you a sense, Edward Snowden’s leaks came during the first week of this last summer. Since the draft of this syllabus and today, Rep. Duncan Hunter has submitted an alteration to AUMF and the House is in process of creating a committee to investigate the attack of the American consulate in Benghazi.

This course offers multiple readings by and about the institutions and other actors which play a role in the creation, interpretation and ramifications of national security law. By the end of the course, each student will possess an excellent understanding of the how and why the United States has the legal framework it does in the area of national security.

Federal Law note: The United States government now requires that a 3 credit hour course entail a minimum of 135 hours. Please plan accordingly.

Prerequisites:

A student may take this course if they have taken one or more of the following courses: POL 211 (American Government and Politics); POL 301 (American Presidency); POL 305 (International

Law and Organizations); POL 314 (Constitutional Law and Politics); POL 362 (American Foreign Policy); any Security Studies course; or with permission of the instructor.

Course Goals:

1. Understand the sources of national security law.
2. Understand the political environment and its impact on the understanding of national security law.
3. Understand the roles played by, and limits and powers of, political institutions in this area.
4. Think critically about the impact of legal policies on our homefront and the ways in which we engage our allies and enemies.

Course objectives:

1. Develop and utilize critical thinking skills.
2. Write clear concise arguments or positions based on evidence and readings.
3. Further develop an area of particular interest in the broad field of national security law.

Required books:

Rishikof, Harvey, Stewart Baker and Bernard Horowitz. *Patriots Debate*.

Rizzo, John. *Company Man*.

Peter Bergen and Daniel Rothenberg. *Drone Wars: Transforming Conflict, Law, and Policy*

Additional required reading: Daily reading of <http://www.lawfareblog.com> and <http://justsecurity.org/> is required. We will discuss these legal blogs frequently. Note: if you really enjoy them, you can sign up to receive emails from them with new content. This is not required.

Assessment:

Moodle Participation: 100 points Although this is an online course, the sharing of ideas, critiques, and other viewpoints is critical to your development as a scholar and critical thinker. Therefore, quality and quantity of the participation will be factored into this portion of the grade. There will be two sources of discussion: first, student discussion of the assigned readings. Second, discussion of current articles posted by the instructor or other students related to national security law. Be curious, complete, questioning; critique; defend; explain.

Literature Review: 75 points Your task is to provide a brief comparison of three professional journal or law review articles related to presidential and/or congressional power in the area of national security. These articles may not have been assigned to class. Heinonline or jstor are good options to find these articles. 5-6 pages, Times New Roman, 12 point font, double spaced, one inch margins, one space following each period.

Book review: 50 points Review the Rizzo book. This review will cover the book, but will also offer you the opportunity to research the law within one or two of the policy spaces described in

the book. To be sure, newspaper and other popular sources are acceptable here, but should not constitute the entirety of the additional sources. Be sure to provide relevant literature to those policy spaces. 6-7 pages, Times New Roman, 12 point font, double spaced, one inch margins, one space following each period.

Final Paper: 125 points There will be a short paper, approximately 12-15 pages, in which you will be asked to discuss a particular portion/topic/debate of national security law. Delve more deeply into a subject matter raised in *Patriots Debate* or another policy space or your choosing. Instructor's approval of the subject is required. While popular commentary may inform the question, the bulk of the paper's sources should be from professional sources. Times New Roman, 12 point font, double spaced, one inch margins, one space following each period.

I will deduct 10% of the grade for any late assignment for each day that it is late.

Schedule

Week 1: Supreme Court Cases as Basis for National Security Law

Week 2: Domestic Law and Terrorism

Week 3: Current Debates (Interrogation and Privacy)

Week 4: National Security Letters and Oversight Mechanisms

Week 5: Law and Emerging Technology (Drones and mechanized weapons)

Week 6: Law and Emerging Technology (Cyber Issues)

Academic Honesty: Westminster College's Honor Code will be respected. Please note the expectations on page 27 of the Student Life Handbook.