INTERNATIONAL/NATIONAL SECURITY LAW

In recent years, international and national security law has emerged as an increasingly important field of study. The courses in this area of the curriculum examine the domestic and international legal frameworks that shape U.S. foreign policy and international relations more generally. They also explore particular substantive areas of security policy and law. Some of the courses in this field have a core content that is relatively consistent over time, while others change markedly from year to year in light of world events and related developments in the law. As the world becomes more interconnected and threats to peace and security more diverse, knowledge about both domestic and international legal norms and institutions (and the interrelationships between them) has become critical to a full understanding of the ways in which law both restrains and empowers states in their pursuit of national and international security.

The courses in the field of international and national security law can be divided into three main categories. In one category are course offerings that focus primarily on U.S. domestic law governing the conduct of foreign relations. These courses examine the Constitution’s allocation of power between Congress and the President regarding foreign affairs, such as the treaty power and the war power, and also explore the role of the courts as a check on the political branches. Domestic statutory law, including framework statutes such as the War Powers Resolution, is examined as well. The core course in this category is the Constitutional Aspects of Foreign Affairs Seminar offered by Professors Wallace, Lazarus, and McGrath. More specialized courses are also offered in this area. Professors Martin and Zirkle, for example, offer a seminar on Strategic Intelligence and Public Policy, which examines U.S. law bearing on intelligence activities and on the relationship between national security and individual rights. These courses focusing primarily on U.S. law build upon students’ exposure to the separation of powers in Constitutional Law I, and that course is generally a prerequisite for the advanced courses in this area.

A second major category of courses focus primarily on the international legal framework that governs international relations among states, with a special emphasis on the United Nations Charter. The United Nations Charter not only sets forth legal principles regarding the use of force by states, it also establishes an institutional framework for collective efforts to maintain international peace and security. The United Nations Security Council has played an increasingly important role in authorizing collective responses to threats to the peace in a variety of recent cases, such as in the Persian Gulf War, Somalia, Haiti, Bosnia, and elsewhere. It also has authorized an increasing number of complex, multi-component peacekeeping operations, as in Cambodia, El Salvador and Mozambique. Students who have taken International Law I: Introduction to International Law should have a basic knowledge of the United Nations Charter. Professor Stromseth’s International Law Seminar: Use of Force and Conflict Resolution is designed for students desiring a fuller understanding of the law governing the use of force and the role of the United Nations in conflict resolution. While International Law I: Introduction to International Law is not a prerequisite for the courses in this category, it does provide helpful background.

A third cluster of courses in the area of international and national security law are those that examine both international and U.S. law and focus on particular substantive issues of security law and policy. Professor Koplow’s seminar on Issues in Disarmament: Proliferation of Modern Weapons explores a wide range of weapons technologies and examines the legal and political mechanisms -- both international and domestic -- that constrain them. National Security Law likewise introduces students to national and international law bearing on conflict management and security generally, and also examines a number of specific topics, such as arms control and liability for war crimes. International Law I: Introduction to International Law provides helpful background for each of these courses.

Students who have taken Constitutional Law I and International Law I should have a basic understanding of the distribution of power between Congress and the President and of the nature of the international legal system. Students who want a fuller understanding of both the domestic and international law that shapes international and national security policy will benefit, however, from further course work in this area. Which courses the student chooses will depend on the specific substantive areas of most interest to the student as well as the number of courses the student can devote to this subject. Ideally, students should develop their knowledge of both domestic U.S. law and international law and institutions. This can be done by taking a basic course or seminar in each of the first two course categories described above or by taking a course or seminar in the third category that bridges domestic and international law. Students with a special interest in a particular issue area can benefit from the more specialized offerings in each category.

In addition to the courses specifically focusing on international and national security, students will find many related course offerings to be relevant and helpful to their understanding of the complex post-Cold War world in which we live. Weapons proliferation and inter-state aggression remain central concerns, but other security issues -- including regional conflicts, ethnic strife, refugee crises, and humanitarian emergencies across the globe -- are also taking center stage. Students thus will benefit from the rich array of international law courses offered at Georgetown. These include courses or seminars on Human Rights Enforcement, International Human Rights, Immigration and Nationality Law, International and Comparative Law on Women’s Human Rights, International Institutions (graduate), and Refugee and Asylum Law. Also helpful are courses in comparative law or foreign law that touch on security issues. In addition, students can pursue independent research projects with individual professors.

Students interested in immigration and refugee issues will benefit especially by participating in the Center for Applied Legal Studies (CALS) Clinic, in which students assist refugees applying for political asylum in this country. In so doing, students become experts on the human rights record of the applicant’s country of origin and assist in presenting evidence of a well-founded fear of persecution before an administrative law judge. In short, the opportunities to study national and international security law and policy at Georgetown are considerable.

Search International/National Security Law Courses (http://curriculum.law.georgetown.edu/course-search/?cluster=cluster_17)
LAW 3038 v00 Biosecurity and the Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203038%20v00)

LL.M Seminar (cross-listed) | 2 credit hours
This course is designed to provide students an understanding of current and emerging issues concerning biosecurity and relevant law. Recent global acts of terrorism coupled with sophisticated advances in biotechnology present a host of complex issues driving biosecurity analysis and discussion. We will examine the history and current state of bioterrorism threats with an emphasis on the legal and ethical challenges as we "sort out" best methods for moving forward. Our analysis will explore the recent Zika and Ebola threats as well as the threats posed by prior H1N1, SARS, anthrax, smallpox, SARIN, Ricin, and even the possibilities stemming from genetically engineered ones. Our method of instruction will focus on significant legal challenges each week. We will however, use past examples of quarantine and cordon sanitaire applications to instruct as how best to legally address future possible pandemics. Within our course exercises, students will be assigned a healthcare and legal roles in order to gain insight as to management of a true healthcare crisis. Guest speakers with knowledge of crisis management will be invited to share personal experiences and advice concerning future pandemics. We will also examine recent legislation, both domestic and international, with a view toward a better understanding of the complex challenges within biosecurity.

LAW 500 v00 Center for Applied Legal Studies (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20500%20v00)
J.D. Clinic | 10 credit hours
See the Center for Applied Legal Studies website (http://www.law.georgetown.edu/academics/academic-programs/clinical-programs/our-clinics/Center-for-Applied-Legal-Studies.cfm) for more detailed information about the clinic.


For information about clinic registration generally, please see the Clinic Registration Handbook (http://www.law.georgetown.edu/academics/academic-programs/clinical-programs/clinic-applications/upload/Clinic-Registration-Handbook-v2.2.pdf).

Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 089 v00 Constitutional Aspects of Foreign Affairs Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20089%20v00)
J.D. Seminar (cross-listed) | 3 credit hours
This seminar deals with the distribution of powers between the president and Congress in the areas of war, diplomacy, international organizations, foreign assistance, commerce, money, etc. as well as the distribution of powers between the national and state governments. Such related matters as the impact on individual rights and the political question doctrine in this context are also discussed.

Prerequisite: Constitutional Law I (or Democracy and Coercion).

Mutually Excluded Courses: Students may not receive credit for both this seminar and the upperclass course, U.S. Foreign Relations and National Security Law or the J.D. or graduate course, Foreign Relations Law.

Note: FIRST CLASS ATTENDANCE IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class. The faculty reserve the right to drop students from the class if they do not attend the first class. STUDENTS MAY NOT WITHDRAW FROM THIS CLASS AFTER THE ADD-DROP PERIOD ENDS WITHOUT THE PERMISSION OF THE PROFESSOR.

LAW 1640 v00 Current Issues in National Security Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201640%20v00)
J.D. Course (cross-listed) | 3 credit hours
This course explores the legal implications of some of the most challenging issues affecting national security, encompassing both conventional and non-conventional threats. Topics include: domestic and international legal authorities; the law of electronic surveillance; resumption of the nuclear arms race and the weaponization of space; technology and national security (artificial intelligence, cryptocurrency); and cyber threats to national security. The course concludes with discussions on the U.S. national security decision-making process and the ethical dimensions of national security policy.

Note: The last class will be April 3, 2019.

LAW 1127 v00 Cyber and National Security: Current Issues Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201127%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
The goal of this seminar is to introduce students to the complex legal and policy questions that national security decision-makers face in their efforts to protect vulnerable public and private computer and communications networks from intrusion and attack. The course also addresses law and policy related to use of those networks to carry out military and intelligence operations. The course will focus primarily on United States law and policy, but many of the issues apply more broadly to others governments and international actors.

Although the subject matter of this course involves technology, no background in technology is necessary for this class. Grades will be based on 3 papers, approximately 8-9 pages each. In the papers, students will be asked to provide advice or argue a position to a senior policymaker or other client.

Recommended: International Law and/or national security related course.
LAW 3066 v00 Cybersecurity Law & Policy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203066%20v00)
LL.M Seminar (cross-listed) | 2 credit hours
This seminar will serve as an advanced LL.M. seminar covering topics in cybersecurity law and policy, with a focus on national security, military and international aspects. The seminar will include lecture, discussion and a significant research and writing component. This seminar is intended to serve as a complement to Cybersecurity Law, and students are welcome to take both courses. Grading will be based on a combination of short and medium papers and active class participation.

Recommended: Prior coursework in national security law highly recommended.

LAW 816 v08 European Union Law: Foundations and International Reach (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20816%20v08)
J.D. Seminar (cross-listed) | 2 credit hours
In the shadow of a fast-approaching Brexit, how can the United Kingdom and the European Union redesign a relationship in which EU law had come to permeate nearly every aspect of British life? Why has a new European privacy regulation become a centerpiece of Facebook’s efforts to rebuild trust in its global social network? What authorities, and constraints, bind EU agencies and courts when they confront U.S. multinational technology giants or security and surveillance programs? What legal tools can “Brussels” deploy to respond to challenges from Moscow, rein in countries that stray from the rule of law, and adapt to new worldwide trade and investment trends?

This two-credit survey tackles such questions in the course of providing a comprehensive introduction to the scope and operation of the law of the European Union. The first half begins by focusing on the key legal and political dimensions of European integration and the main features of the succession of treaties that have led to today’s Union. We then examine the EU judiciary and its relationship to national constitutional courts, followed by consideration of the EU’s increasingly important fundamental rights and citizenship framework. In the second half, we turn to the EU’s internal market arrangements, the law governing its economic and other external relations, and data privacy and associated security issues, before concluding with a look at legal quandaries stemming from Brexit and at the prospects for the EU’s future.

The course is led by instructors with long experience counseling the U.S. government and private sector in Washington and in Brussels on how to engage with and understand the EU and its governing institutions. (Views expressed by the instructors are their own, not attributable to their employers.) Ranging across EU constitutional, administrative, human rights, economic, security and foreign relations law, the course includes comparisons to U.S. legal concepts and cases as appropriate. Students also will gain a political appreciation for how EU bodies interact with each other and with member states. A research memorandum on a current EU law topic of the student’s choice is the principal form of assessment.

The course has no prerequisites. International Law or related courses may be useful at the margins. Students who have taken European Law and Policy in Times of Crisis are not eligible to enroll.

Mutually Excluded Courses: Students may not receive credit for both this seminar and European Law and Policy in Times of Crisis.

LAW 193 v04 Financial Regulation and Financial Crises (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20193%20v04)
LL.M Course (cross-listed) | 2 credit hours
This course will review the historical development of the United States banking industry, and of the regulatory structure governing it, so as to give students an appreciation of the economic and political forces that have shaped the regulation of our financial system. This will include reviewing past financial crises and the responses to them, including the development of the Federal Reserve System, deposit insurance and other major reforms. The course will then focus on the forces that produced a financial and regulatory system as complex as the one that led to the 2008 global financial crisis and that Dodd-Frank seeks to reform. This will include examining the rise of the shadow banking industry and the growth of derivatives, and the consequences of and responses to the 2008 crisis, including the role of individual accountability for behavior that contributed to the crisis.

Whether the Dodd-Frank reforms adequately address the causes of the most recent crisis and will prevent the onset of another crisis remains an open question and one which this course will examine. The course will also consider the financial instability implications of post-crisis developments such as cryptocurrencies and fintech. The course will emphasize understanding the broader forces that have shaped regulation of our financial sector rather than the specifics of the regulations themselves.

Students will be evaluated on the basis of class participation (15% of the grade), a short paper during the course of the semester (15% of the grade) and a final examination (70% of the grade). The final examination will focus on traditional "issue spotting" to test the acquisition of basic concepts as well as on the comprehension of the historical material included as part of the readings. The short paper, which will call for policy analysis as well as legal analysis, will help students internalize the material and prepare for the final examination.

Prerequisite: Corporations.

Mutually Excluded Courses: Students may not receive credit for both this course and the J.D. course, Federal Banking Regulation: Modern Financial Institutions and Change.

Note: DISTANCE STUDENTS REGISTER FOR CRN#: 35370. This course is open to both on campus and distance students. However, only students enrolled in the Executive LL.M. in Taxation, the Executive LL.M. in Securities & Financial Regulation, and the MSL programs may take this course on a distance basis. All J.D. students and resident LL.M. students may not enroll in this course on a distance basis.
Mutually Excluded Courses: Students may not receive credit for this course and the J.D. course, Computer Crime Seminar, or the graduate course, Foreign Relations Law.

Recommended: There are no prerequisites, but familiarity with basic principles of U.S. government is important.

Mutually Excluded Courses: Students may not receive credit for this course and the J.D. courses, Constitutional Aspects of Foreign Affairs Seminar or U.S. Foreign Relations and National Security Law or Foreign Relations Law.

Note: Attendance at one of the first two class sessions is mandatory. All enrolled and waitlisted students must be in attendance at the start of either the first or second class session in order to be eligible for a seat in the class. Students are strongly encouraged to attend the first class even if wait listed.

LAW 089 v04 Foreign Relations Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20089%20v04)
J.D. Course (cross-listed) | 2 credit hours
This course addresses the constitutional issues that arise in the conduct of U.S. foreign relations. Topics include: Congress' power to legislate with respect to foreign relations; the respective roles of the President and Congress in initiating and conducting war and other uses of force; the President's power to conduct diplomatic relations; the scope of the power to make and enforce treaties and other international agreements; the status of treaties and customary international law as United States law; the role of the States in foreign relations; and the role of the courts in foreign relations.

Prerequisite: Constitutional Law I: The Federal System.

Mutually Excluded Courses: Students may not receive credit for this course and the J.D. upperclass course, Constitutional Aspects of Foreign Affairs Seminar, or the graduate course, Foreign Relations Law.

LAW 2007 v02 Global Cybercrime Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%202007%20v02)
LL.M Seminar (cross-listed) | 2 credit hours
This course will examine the key legal and policy issues associated with cybercrime – i.e., crimes in which computers and the Internet serve as targets, as storage devices, and as instrumentalities of crime – as a global phenomenon. As the Internet has become a truly global medium for commerce and communication, nations are gradually recognizing that new technology can not only expand the reach and power of traditional crimes, but foster new forms of criminal activity as well, throughout the world. The course will adopt an explicitly comparative legal approach to the problem of cybercrime, focusing principally on nations in North America, Europe, and Asia, and address pertinent international legal issues where appropriate. It will first address basic issues in comparative criminal law, as well as background information on computing and Internet technology. It will then address some of the most prominent topics in the substantive law of cybercrime (e.g., pornography and obscenity, "hate speech," cyberstalking, hacking, fraud, intellectual property offenses such as software piracy and economic espionage, and other issues associated with privacy and anonymity on the Internet). It will then turn to major issues in the procedural law of cybercrime (e.g., surveillance technologies such as Carnivore and legal standards for interception of electronic communications). Given the rapid pace of developments in computing and Internet law, the course will incorporate the most current materials available online and in hard copy. Students will be expected to use the Internet for intraclass communications and access to certain course materials, but need not have a detailed knowledge of computing or the Internet.

Prerequisite: Criminal Law.

Mutually Excluded Courses: Students may not receive credit for both this course and the J.D. seminar, Computer Crime Seminar, or the J.D. course, Computer Crime.
LAW 905 v00 Intelligence Reform and the Modern Intelligence Community (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20905%20v00)
LL.M Seminar (cross-listed) | 2 credit hours
This course is an introduction to intelligence law as discussed in the context of changes to the Intelligence Community. The course focuses on changes to the law made in response to reviews and reports conducted following the attacks of September 11, 2001, and how those changes have been implemented in policy and practice. Students will examine legislative efforts to enhance information sharing and intelligence collection, such as the creation of the Director of National Intelligence, the modernization of the Foreign Intelligence Surveillance Act, and more recent proposals to reform surveillance laws and policies in the context of global discussions of privacy and civil liberties. In addition, the course will address complexities faced by national security lawyers in protecting classified information, and providing legal advice on intelligence operations, including domestic intelligence activities.

Recommended: Prior or concurrent enrollment in International Law I.

LAW 1323 v00 International Law, National Security, and Human Rights (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201323%20v00)
J.D. Course | 3 credit hours
This course will examine how international law deals with the tension between two highly prominent concerns of the early twenty-first century: protecting national security and protecting human rights. We begin with an overview of basic principles of international law, and of U.S. domestic legal authority for national security activities. We then move to the regime of international law that is devoted to the protection of human rights. This includes treaties dealing with human rights in general; those that address specific subjects, such as torture and genocide; and customary international law. Our focus then moves to international humanitarian law, which is the legal regime that governs the use of force. This includes provisions that relate both to when parties may resort to the use of force, and how they must conduct themselves when they do so. We will explore the debate over whether humanitarian law should displace human rights law in situations of armed conflict, or whether the two bodies of law should be applied in ways that reconcile their approaches as much as possible.

The course then turns to national security concerns that serve as a vehicle for exploring the interaction of human rights and humanitarian law, with a focus on terrorism. To what extent should counter-terrorism be seen as law enforcement, in which case human rights law governs, and to what extent should it be seen as armed conflict, in which case humanitarian law provides primary guidance? If it has elements of both, what should be the respective roles of human rights and humanitarian law in regulating counter-terrorism? We will focus in depth on five topics that raise these questions: the incorporation of human rights protections in armed conflict, criminal investigation and prosecution of terrorism, targeted killing, covert action and special operations, and cyber operations. The course will include two review sessions at approximately one-third and two-thirds through the semester. These will be devoted to analysis of problems relating to topics covered in specific units of the course.

We will make extensive use of case studies and problems to explore the complex legal, political, and moral questions that arise with respect to the issues we discuss. We also will also be working with statutes that relate to various types of national security issues. In addition, events in the news are sure to provide constant vivid examples of the significance of the concepts that we will be discussing throughout the course. In these ways, the course will provide students with a practical understanding of international law through an in-depth examination of how it operates at the intersection of two specific fields that are undergoing dynamic changes.

Learning objectives for the course are:

1. For you to become familiar with basic concepts in international law, especially with regard to treaties, customary law, and how international law interacts with domestic law in the United States.
2. For you to become familiar with basic concepts in international human rights law, United Nations and European Conventions on basic human rights, and their impacts on domestic law.
3. For you to become familiar with the basic provisions of international law that deal with when states may use military force, and that govern how such force may be used in armed conflict.
4. Based on your understanding of the subjects described above, for you to appreciate how many contemporary national security concerns present challenges for which neither human rights law nor the law on military force is fully adequate – which means that creative thinking is necessary in addressing these concerns.

Note: This course is a first-year elective. First-year day students select an elective offering in consultation with their advisor.
LAW 1283 v00 Introduction to Military and Veterans Law, 1636-Present
J.D. Seminar (cross-listed) | 2 credit hours
This 13-week, 2-credit elective is intended to ground the student in the history and tradition of a separate military and veterans law for members of the armed forces. Each session will contain specific legal concepts relevant to the subject matter. The student may expect to have a broad appreciation for the importance of a separate law and procedure for the armed forces and veterans, and how to analyze issues. The final grade will include class participation, and a final, take home, open book, examination.

Note: Students may not withdraw from this class after the add/drop period ends without the permission of the professor.

LAW 063 v00 Issues in Disarmament: Proliferation and Terrorism Seminar
J.D. Seminar (cross-listed) | 3 credit hours
This seminar addresses various issues related to the spread of advanced weapons to diverse countries and non-state actors, considering a set of problems that will raise the most difficult security concerns for the United States and the rest of the world in the post-cold-war era. In the seminar, we will explore a wide range of weapons technologies—including nuclear, chemical, biological, and conventional armaments—and the political and legal mechanisms that constrain them. The seminar will address historical allegations concerning the dissemination and use of these weapons; the rise and fall of various strategic doctrines; the bureaucratic processes of government decision making; and the evaluation of relevant ethical considerations surrounding possession and use. The bulk of the seminar will focus on contemporary legal and political issues such as ongoing treaty negotiations, export controls, verification of compliance, enforcement of treaty commitments, and the dismantling of redundant weaponry. The seminar is particularly recommended for those interested in national security, judicial review, and the constitutional allocation of legislative, executive, and judicial powers.

Learning Objectives:
• Identify the key features of military legal practice, the distinctions between military and civilian jurisprudence, and the primary factors considered by Article III courts in reviewing cases arising in the military justice system.
• Assess the impact of congressional legislation and oversight, as well as the role of the President in the military justice system.
• Enhance research skills through analysis of briefs and source materials.
• Enhance writing skills by preparing a judicial opinion.

Recommended: Constitutional Law I and either Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

Note: This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

Attendance at all class sessions is mandatory and all enrolled students must attend the first class in order to remain enrolled. Students on the wait list must attend the first class in order to be admitted off the wait list. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar. Once the second class session begins, students may only seek a withdrawal by contacting an academic advisor in the Office of JD Academic Services. Withdrawals are permitted up until the last class for this specific course.
LAW 977 v00 Law and Measures Against International Terrorism
LL.M Seminar (cross-listed) | 2 credit hours
In the decade since the 9/11 attacks, the United States and most other countries have significantly altered ways in which they respond to international terrorism. Many government measures against terrorism have stretched domestic and international law to their limits. Controversial changes to laws have altered the balance between governments’ interest in ensuring public safety and individuals’ fundamental rights. The class will discuss current events from around the world to explore domestic and international legal bases for counter-terrorism measures such as intelligence gathering, criminal law enforcement, efforts to prevent terrorism financing, and use of military force. Students completing the course will have an overview of laws that apply to governments’ responses to terrorism. The course will be graded by exam.

Recommended: Prior enrollment in International Law and/or International Humanitarian Law

LAW 3031 v00 Law in the Gray Zone: The Legal Challenges of Hybrid Conflict
LL.M Seminar (cross-listed) | 1 credit hour
State and non-State actors are increasingly pursuing political and economic objectives through the use of aggressive, ambiguous, and integrated multiple elements of power. This strategy, which exceeds the threshold of normal national competition but falls below the level of armed conflict, has been referred to as hybrid, unconventional, asymmetric, and ambiguous warfare. This competition in the gray zone between peace and armed conflict presents significant legal challenges to States responding to these threats.

This course will examine the legal challenges presented by this conflict in the gray zone. We will examine issues in legal classification of threats and how State and non-State actors employ these strategies to exploit perceived gaps in international and domestic law. Additionally, we will discuss how these actors may also use the law when pursuing their objectives in the gray zone.

Some of the specific topics to be discussed include:
- What is hybrid warfare? Case study, actors, definitions.
- Issues in legal classification of threats, including use of force and armed attack (the Article 2(4)- Article 51 "gap"), determining whether an armed conflict exists and, if so whether it is an international or non-international armed conflict.
- State responses to activities in the gray zone.
- State responsibility for surrogates/proxies.
- Information warfare, psychological operations, and the role of cyber.
- Sovereignty and intervention.
- Economic measures.
- Support to domestic organizations such as civil society and political groups.

Recommended: Prior or concurrent enrollment in International Law, Law of War, Foreign Relations Law

Note: A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.
**LAW 936 v03 Law of War (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20936%20v03)**
J.D. Course (cross-listed) | 2 credit hours
This survey course covers the law of armed conflict and customary international law as applied on today's battlefields. Is there really law in combat? When does the law of war apply? Does it apply to non-State actors? What is a war crime, and who decides? How is proportionality determined? What is the difference between a combatant, a terrorist, and a criminal? Is torture ever lawful? Is targeted killing lawful? What constitutes a cyber attack? What is the jurisdiction of military commissions and why is that a difficult question for Guantánamo? Can a superior's order constitute a defense to war crime charges? Is indefinite detention lawful? Can the U.S. ever lawfully kill a U.S. citizen in a foreign state with which we are not at war? Such questions are the subject of the course. It is not a philosophy course, nor is it national security law, nor human rights law, although those topics are inextricably related. Our focus is on the law applicable in today's non-international armed conflict battlefields. Military experience is not required to do well in this course.

**Recommended:** Completion of International Law I prior to enrollment in this course.

**Mutually Excluded Courses:** Students may not receive credit for both this course and the Law of War Seminar or War Crimes and Prosecutions.

**LAW 936 v02 Law of War Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20936%20v02)**
LL.M Seminar (cross-listed) | 2 credit hours
Surveys the law of armed conflict (LOAC) and customary international law as applied by the United States in warfare. From where does LOAC arise? What is a war crime — and who decides? What is "unnecessary suffering," and what drives that legal determination? When does LOAC apply and what role do other rules of law, such as domestic U.S. law and International Human Rights Law play in regulating the conduct of armed conflict? Does it cover non-state actors? What are U.S. LOAC obligations, and how are they enforced? How does one distinguish illegal combatants from prisoners of war? Where do military commissions come from, and who may be tried by them? Could the atomic bombing of Nagasaki have been a war crime? Can a superior's order constitute a defense to war crime charges? What is the U.S. position in regard to laser weapons? Land mines? Non-lethal weapons? Torture? Rendition? Reprisals? The assassination of enemy commanders? What is an illegal order, and what should a soldier do if she receives one? How may battlefield war crimes be prosecuted? Our inquiry will focus on the law applicable to the conduct of U.S. military operations in past and current conflicts, whether or not they be declared, whether they be internal or international. Although primarily focused on the law of land warfare, the law of air and naval warfare, as well as space and information warfare, will be considered.

**Learning objectives:**

To gain a firm understanding of the law of armed conflict and to consider, through discussion of practical exercise from the textbook, how the law is applied in an operational context.

**Mutually Excluded Courses:** Students may not receive credit for both this seminar and Law of War, the International Law of Armed Conflict Seminar or War Crimes and Prosecutions.

**LAW 1616 v00 Legal and Policy Aspects of Countering Terrorist Recruiting and Online Propaganda in the Digital Age Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201616%20v00)**
J.D. Seminar (cross-listed) | 2 credit hours
Rapidly evolving technological advances over the past decade have created powerful mechanisms to instantly and directly reach billions of information consumers around the world. Although the latest information revolution has fostered tremendous progress by connecting people in every corner of the planet, it has also been accompanied by governmental and non-governmental efforts to spread propaganda, particularly through social media platforms. This course will review the legal and policy aspects of addressing these challenges, focusing on the rise of terrorist recruiting and other organized online propaganda efforts.

As governments intensify their extensive counterterrorism initiatives, terrorist recruiting continues to evolve and poses a more complex threat than perhaps at any time in history. Terrorists no longer require in-person recruiting to spread their ideology and to inspire attacks in other countries. Domestic and international extremist groups have become more adept at using online platforms and other tools to "crowd source" their recruiting in a decentralized attempt to attract and inspire disaffected individuals by exploiting grievances and offering a sense of purpose, belonging, adventure, and obligation. At the same time, governments and other organizations are themselves using social media platforms to reach audiences in their countries and around the world. They have done so not only to increase public support for their political leaders, but also to attempt to impact public debates on major issues, influence policy formulation, and even to sow discord between groups domestically and abroad. These propaganda efforts have raised questions about whether social media companies, governments, and international organizations should play a larger role in determining how such information is disseminated, and how they can implement solutions without undermining freedom of expression and other legal protections.

In addressing online propaganda, this course will focus on legal and policy challenges and strategies in three main areas: (1) assessing and countering methods to spread propaganda online, including terrorists' efforts to recruit followers and to inspire attacks; (2) examining innovative NGO and private sector cooperation in developing counter-propaganda initiatives; and (3) utilizing existing law enforcement tools and crafting new governmental and non-governmental prevention and intervention programs to disengage, redirect, and rehabilitate those who are radicalized online.

**LAW 697 v00 Managing National Security (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20697%20v00)**
J.D. Course (cross-listed) | 3 credit hours
This course introduces students to the substance, process, and practice of national security law. The first third of the term is devoted to the structure and process of national security decision-making. The second third of the term introduces students to the instruments of national security policy, e.g., intelligence, the use of force, and homeland defense. The final third of the course is devoted to functional exercises in national security policy with the students playing the roles of national security principals (a.k.a., national security moot court). Each exercise is designed to give students experience in spotting issues and applying law in national security context. The exercises are also intended to give students a feel for the texture and pressure of national security decision-making.
LAW 697 v50 Managing National Security (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20697%20v50)
J.D. Seminar (cross-listed) | 3 credit hours
This course is about the substance, process, and practice of national security law. The course has two segments. The first segment addresses the substance and process of national security decision-making. The second segment covers the tools of national security: intelligence, military, law enforcement, diplomacy, and homeland security. Special attention is paid to the relationship between law and policy and the role of the lawyer in effecting both. Up to 8 J.D. students may enroll in the course for three credits, and prepare a research paper that satisfies the Law Center’s upper-class Writing Requirement (WR). In addition to the final paper, students who select this option must submit an outline and a draft for comment. Both the draft and final papers must be a minimum of 6,000 words (25 pages) and must be supported by substantial independent research. Students may also enroll in the course for two credits. Students electing this option are required to prepare a term-paper approximately 4,800 words (20 pages) on an approved topic.

Recommended: Other national security law courses offered at the Law Center; courses in Constitutional Law; International Law I.

Mutually Excluded Courses: Students may not receive credit for both this course and Challenges in National Security Law: A Seminar for Mid-Career LLMs.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

Note: This course will be enrolled via waitlist.

LAW 922 v01 National Security & the Law of the Sea (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20922%20v01)
LL.M Seminar (cross-listed) | 2 credit hours
This course reviews the basic principles of international law related to the many exclusive and inclusive uses of ocean space, especially on those critical issues affecting U.S. national security. Students will develop a comprehensive understanding of the legal regimes governing the oceans, from internal waters and other coastal zones through the regimes of the high seas, and an overall appreciation for U.S. oceans law and policy, based on relevant principles of international and national law. Topics include navigation and overflight rights, living and non-living ocean resources, military and law-enforcement activities, protecting the marine environment, marine scientific research, the law of naval warfare, and the processes for developing ocean policy and for resolving international disputes. Students will research and engage in class discussions on a number of problems involving national security issues and the use of ocean space, including resources on the continental shelf, maritime terrorism, military exercises, maritime transportation systems, at-sea trafficking in illicit drugs, piracy, weapons of mass destruction, collection of intelligence, and naval rules of engagement.

Final exam only.

Recommended: International Law I: Introduction to International Law (or the equivalent International Law I).

Mutually Excluded Courses: Students may not receive credit for both this course and Oceans Law and Policy.

LAW 2070 v00 National Security Business Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%202070%20v00)
LL.M Seminar (cross-listed) | 2 credit hours
National Security Business Law explores important legal issues arising out of the U.S. government’s reliance on the private sector for its national security capacity and capability. The course will include sections focusing on: (1) Privatization and insourcing/outsourcing issues for the U.S. government in the national security arena; (2) Government contracts issues in national security work, including contract competition and protests; performance issues, disputes and terminations; torts and national security; and how the U.S. Government holds contractors accountable; (3) Export controls issues, including those relating to the State Department’s regulation of defense items, the Commerce Department’s regulation of “dual use” items, and the regulation by Treasury and other agencies of sanctioned and listed entities; and (4) Classified information and the private sector, including the structure of the National Information Security Program, processes for acquisition and maintenance of facility and personnel clearances, and special issues within this area such as mitigation of foreign ownership, control and influence.
LAW 1031 v00 National Security Crisis Law I (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201031%20v00)
J.D. Course (cross-listed) | 5 credit hours
National Security Crisis Law is a nationally-recognized class, and the capstone course for the J.D./LL.M. in National Security Law at Georgetown. It examines the law as it is written and as it is applied. The course will be equally helpful to students who go into other fields, as it emphasizes leadership and examines how cognitive biases, institutional cultures, and formal and informal social networks influence lawyers’ ability to perform effectively under pressure. The course takes into account both conventional and non-conventional threats, such as terrorist use of biological weapons, cyber attacks, and the detonation of radiological dispersal devices, to examine the constitutional, statutory, and administrative contours of the government’s response. In lieu of examination, students will take part in a week-long simulation, during which they will assume positions within the federal Executive Branch, as well as state and local government. Students will have the opportunity to meet with lawyers who practice in the field, to help to prepare for their roles. Students will be assigned sim-classified and sim-unclassified email accounts, and will have access to the Video News Network and AP Wire, through which they will receive information about a series of events as they unfold. A Control Team, made up of approximately 50 professors and attorneys from practice, will respond to the student decision-making. For the final two days of the week, students will be present in person at the law school. During the 2018-2019 year, the final exercise will be both national and inter-national, involving students from top national security law schools across the United States and Canada. Enrollment is limited to 30 students.


Note: In Spring 2019, this course will meet three days a week on Mondays, Wednesdays and Fridays, 9:00 a.m. - 11:00 a.m. This course will also meet on a few Wednesdays from 3:30 p.m. - 5:30 p.m. Dates to be announced. There will also be an all-day crisis simulation exercise in this course held on a Friday and Saturday. Attendance at the simulation exercise is mandatory. Students may not withdraw from this class after the add/drop period ends without the permission of the professor. The course can be taken either pass/fail or for a grade.

LAW 1320 v00 National Security Crisis Law II (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201320%20v00)
J.D. Course | 1 credit hour
During the early part of the term, students enrolled in NSCL II will conduct research and write injects to support the NSCL I simulation. During the week-long simulation, students in NSCL II will serve on the Control Team, writing articles, press releases, and TS/SCI reports and communications. They will also take on governmental and non-governmental roles as the Control Team responds to player decision making and requests for information (RFIs) in response to emerging national security crises.

In preparation for the simulation, students also will take part in a training session on Canadian National Security Law. From Monday through Thursday students will be working intermittently on work for the simulation. On Friday (8:00 am - 6:00 pm) and Saturday (8:00 am - 4:00 pm), students will be expected to be physically present at the law school. Students will act as ambassadors to the students coming to Georgetown Law from Penn Law, as well as the Ministry of Justice in Canada, the University of Ottawa School of Law, and Osgoode School of Law.

Note: This course requires Professor Permission to Enroll.

LAW 1424 v00 National Security in Theory Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201424%20v00)
J.D. Seminar (cross-listed) | 3 credit hours
There is consensus among scholars that National Security Law as a field of study is under theorized. How does the law function in a state in which "national security" is a considerable concern? What is the nature of the "state of exception" that national security law puts into effect? How does "surveillance" of citizens transform the normal functions of the state? When is violence "Islamic"? What is the proper response to a terrorist attack?

This seminar offers students an opportunity to think about national security theoretically by reading texts that adopt critical approaches to the various issues typically discussed within this field of study. These issues include: the state of exception, surveillance, Islamic terrorism, and Drones.

Students will be required to write a paper of 6,000 words minimum (excluding footnotes) to pass the class. Students will be expected to finalize the paper topic after meeting with me by the fourth week of the semester, submit a research outline by the sixth week of the semester, a 6,000 word draft by the tenth week of the semester and the final draft on the date assigned by the registrar for final submission of seminar papers.

Note: This course is mandatory pass/fail.
LAW 972 v00 National Security Law

Following the 9/11 attacks, one of the fastest growing areas of legal inquiry has been national security law. This course, taught by the principal founder of the field, is a comprehensive introduction, blending relevant international and national law. It begins with an overview of modern theories about the causes of war including "democratic peace," "deterrence" and "incentive theory." The course then examines the historical development of the international law of conflict management. It takes up institutional modes of conflict management, including the United Nations system and the role of the Security Council. Addressing the lawfulness of using force in international relations, i.e. jus ad bellum, the course discusses aggression, low-intensity conflict, terrorism, intervention, anticipatory defense, and "preemption." It then examines several case studies including the Indochina War, the "secret war" in Central America, the Gulf War, Kosovo, Afghanistan (the War on Terror), and the Iraq War, as well as case studies in United Nations peacekeeping and peace enforcement (including operations in Somalia, Haiti, Rwanda and the former Yugoslav republics). The course examines the norms concerning the conduct of hostilities, i.e. jus in bello, providing an overview of the protection of non-combatants and procedures for implementation and enforcement. It looks at war crimes issues, such as the Nuremberg principles, the new International Criminal Court, and the Yugoslav and Rwanda tribunals. The course briefly discusses American Security Doctrine, then turns to the general issues of strategic stability and arms control, examining nuclear, chemical and biological weapons and their effects, and arms control agreements. The course then examines the institutional framework for the control of national security, including the Authority of Congress and the president to make national security decisions, the war powers, and constitutional issues in the debate on the Anti-Ballistic Missile Treaty. The course further examines the national security process, including the national command structure, and considers the issues of secrecy, access to information, the classification system and homeland security. It reviews intelligence and counterintelligence law, and ends with a review of individual rights and accountability as they interface with national security. Individual Powerpoint modules are offered in the course segments concerning modern theory about the origins of war, jus ad bellum, terrorism, the Vietnam War, Arms Control intelligence law, individual rights vs. national security, the national security process and homeland security. The course typically invites one or more experts to meet with the class to discuss contemporary issues.

LAW 972 v03 National Security Law

This introductory, survey course will explore national security law as developed from the U.S. Constitution, relevant federal statutes, case law, and historical experience, as well as from principles and influences of international law and foreign relations. It will cover key components of, and debates over, the Federal Government’s exercise of national security authorities, including: decisions to use force and how to employ it; detention and interrogation of combatants; collection, protection, and sharing of intelligence; military and civilian prosecutions for national security-related criminal charges, including terrorism, espionage, export control, and state-sponsored cybercrimes; civil litigation involving national security interests and concerns; protection of homeland security; and economic aspects of national security policy. Themes of the course will include: (1) the separation of powers among the three branches of the Federal Government, and appropriate roles for these branches in the conduct of national security activities; (2) the interplay between international law and domestic law; (3) textual, historical, and functional modes of legal argument as applied to national security issues; and (4) the evolution of modern warfare and its implications for relevant legal regimes. (Guest lectures will be provided at various times by Professor Mary McCord, the former head of the National Security Division at the U.S. Department of Justice, and Professor Joshua Geltzer, the former Senior Director for Counterterrorism at the National Security Council in the White House.)

Course Goals/Student Learning Outcomes:

This course will provide students with exposure to the broad reach of modern national security law in the United States, and the many as-yet unresolved and knotty legal, policy, practical, and moral issues that arise as the Government strives to protect national security, while preserving the generally free and open society that most U.S. persons expect. Students will examine with a critical eye the justifications offered for, and scope of, security-based governmental actions, while considering practical alternatives and results.

The student learning outcomes will be the following:

1. Analyze current and emerging issues in national security law, and understand the policy arguments underlying the balance of ensuring security and protecting individual rights
2. Assess the justifications offered for, and scope of, security-based governmental actions
3. Examine the effects that national security measures have on individual rights of U.S. citizens and non-citizens, and on U.S. institutions, norms, and governance.

Mutually Excluded Courses: Students may not receive credit for this course and the graduate course by the same name.
LAW 1151 v00 National Security Lawyering Seminar

J.D. Seminar (cross-listed) | 2-3 credit hours
This course will examine the substantive, ethical, moral, procedural, and practical challenges of practicing national security law in the government. Government national security and foreign affairs lawyers have significant influence on operational and policy decision-making, but generally encounter fewer external checks and less oversight than lawyers in other areas. Because of threshold doctrines such as standing and political question, courts address national security legal questions relatively rarely. There are few timely, formal checks in the area of international law, which develops over time and by consensus and often lacks a direct enforcement mechanism. In addition, much of the subject matter about which national security lawyers provide advice is classified, which can limit the scrutiny of legal analysis by Congress, the press, and the public. Therefore, national security lawyers, who provide advice on what are often extremely high stakes and difficult legal issues, shoulder a great deal of responsibility to carry out their roles ethically and effectively.

The course will use case studies and hypotheticals to explore these important challenges. Students will discuss a variety of issues, including: the players and process of national security legal decision-making; flexibility, constraint, and accountability for the national security lawyer; the challenges in providing balanced advice; whether and when it is appropriate to “push the envelope” on legal advice; the impact of secrecy on legal advice and decision-making; the importance of transparency about national security legal advice and why it is so difficult; prosecution, litigation, and national security; the appropriate role of lawyers and the law in the national security policymaking process; lawyering when the law is not developed; and the challenges and responsibilities of lawyering during war and other national security crises.

Students will be graded on several short reaction papers and one longer final paper. Class discussion will also be considered in grading.

Recommended: International law and/or national security related course.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 1402 v00 National Security Regulation

J.D. Seminar (cross-listed) | 2 credit hours
National Security Regulation examines a cross disciplinary area of law mingling international law, constitutional law, statutory interpretation, and administrative law. Areas regulated by the Federal government because of national security concerns are frequently high stakes and high dollar. The government cares a lot about getting the “right” result, and the penalties can be enormous. Unfortunately, knowing what is “right” can be hard. The rules are arcane, formal guidance may not be public or even exist, and case law may be thin or nonexistent. The adjudication process likely involves classified information (which you may not be able to access), and you may have limited due process or appeal options. If you have a career ahead of you in corporate law, you will almost certainly run into national security regulations at some point during your career. This course is designed to help. It surveys some of the most common areas of regulatory interest, as well as some hot issues that will dictate the path of emerging technologies.

Recommended: Administrative Law and National Security Law.

LAW 1094 v00 National Security Surveillance

J.D. Course (cross-listed) | 2 credit hours
This course will address the evolving law governing surveillance in the national security arena. The focus will be on electronic surveillance in the foreign intelligence and counter-terrorism fields with special emphasis on the Foreign Intelligence Surveillance Act (FISA). Topics will include background examination of the national security structure, the Fourth Amendment and domestic surveillance, and the intelligence community, and in-depth examination of the origins of national security surveillance and its operation through FISA and other intelligence collection programs since September 11, 2001. The use of national security surveillance in court and constitutional challenges to various aspects of national security surveillance will also be explored.

The course is designed for both the J.D. and national security LL.M. curricula. It is a two-credit course meeting once a week for two hours. There is no casebook. Readings will include relevant statutory materials, executive orders and other directives, and significant judicial decisions. Grading for the course will be based primarily on a take-home examination, with some adjustment for class participation.

Recommended: Although there are no formal course prerequisites, it is recommended that students have completed Constitutional Law I: The Federal System (or Democracy and Coercion); a survey national security course might be helpful but is not essential.

Mutually Excluded Courses: Students may not receive credit for this course and National Security Investigations and Litigation.
LAW 755 v00 Nuclear Non-Proliferation Law & Policy

This two-credit course will familiarize students with the sources of public and private international law and their embodiment in tangible and electronic media. Comparative law bibliography and sources will be covered, as will selected jurisdictions in the civil law tradition. Students may not withdraw from this class after the add/drop period ends without the permission of the professor.

Prior or concurrent enrollment in International Law I: Introduction to International Law.

Note: In Spring 2017, this class will meet on the following Thursdays: 1/19, 1/26, 2/2, 2/9, 2/16, 3/2, and 3/9.

Students may not withdraw from this class after the add/drop period ends without the permission of the professor.

LAW 260 v04 Research Skills in International and Comparative Law

This short course will familiarize students with the sources of public and private international law and their embodiment in tangible and electronic media. Comparative law bibliography and sources will be covered, as will selected jurisdictions in the civil law tradition. Students will learn which topics are usually covered in a civil code, and how to deal with problems of language and translation when researching foreign legislation and jurisprudence. In addition, in-depth sources will be explored for a variety of specialized topics, such as international criminal law, international environmental law, international human rights law, international trade law and arbitration, transnational commercial law and intellectual property disputes, and comparative family law. Documentation for intergovernmental organizations, chiefly the United Nations bodies, regional organizations, and the European Union, will be covered as well. Grading will be based on weekly homework assignments that allow the student to use and evaluate the sources discussed in class and on a final project consisting of a research guide on an international law topic, an international organization or the law of a foreign jurisdiction.

Recommended: Prior or concurrent enrollment in International Law I: Introduction to International Law.

LAW 260 v03 Research Skills in International and Comparative Law

This short course will familiarize students with the sources of public and private international law and their embodiment in tangible and electronic media. Comparative law bibliography and sources will be covered, as will selected jurisdictions in the civil law tradition. Students will learn which topics are usually covered in a civil code, and how to deal with problems of language and translation when researching foreign legislation and jurisprudence. In addition, in-depth sources will be explored for a variety of specialized topics, such as international criminal law, international environmental law, international human rights law, international trade law and arbitration, transnational commercial law and intellectual property disputes, and comparative family law. Documentation for intergovernmental organizations, chiefly the United Nations bodies, regional organizations, and the European Union, will be covered as well. Grading will be based on weekly homework assignments that allow the student to use and evaluate the sources discussed in class and on a final project consisting of a research guide on an international law topic, an international organization or the law of a foreign jurisdiction.

Recommended: Prior or concurrent enrollment in International Law I: Introduction to International Law.
This seminar explores several significant legal and policy concerns raised by the conduct of foreign intelligence activities. We will consider the disclosures of Edward Snowden and their impact on the balancing of national security and privacy, the congressional authorization for foreign intelligence surveillance and the operation of the Foreign Intelligence Surveillance Court. We will review the role of Congress and the executive branch in intelligence oversight. We will consider the investigation and prosecution of espionage, using the Aldrich Ames and other recent cases as examples, including the Classified Information Procedures Act and the state secrets privilege. We will examine the authority for, and controls on, covert action and its role in the conduct of foreign policy, and compare the role of military special operations. We will use one class to examine covert action and its role in the conduct of foreign policy, and compare state secrets privilege. We will examine the authority for, and controls on, covert action and its role in the conduct of foreign policy, and compare the role of military special operations. We will use one class to examine the Law of Armed Conflict and International Humanitarian Law. And we will discuss the problems of cyber-security with a senior corporate officer from a major military industrial company. The class will be structured as an ongoing conversation on these and related topics.

International terrorism by non-state actors presents challenges to reliance on this binary peacetime-wartime framework. One possible response is to regard terrorist violence as presumptively occurring during peacetime, which means that terrorism must be addressed under a law enforcement paradigm, which is governed by human rights law. Some critics, however, argue that the scale of destruction inflicted by international terrorist attacks is more akin to wartime damage than domestic criminal activity, and that law enforcement is insufficiently flexible to permit preventive operations. They argue that that international terrorists therefore should be treated as engaged in armed conflict that triggers the application of IHL.

Rules governing the use of force under IHL, however, run the risk of being excessively permissive when applied in settings that do not involve segregated battlefields but terrorists embedded in large civilian populations whose behavior is not unambiguously hostile. Service members are also being increasingly required to carry out activities more akin to law enforcement when undertaking operations amidst these local populations. One response to this is a call for greater incorporation of human rights principles into armed conflict operations in some settings.

There is a pressing need to develop legal concepts to guide operations that blend human rights and national security concerns in a way that does justice to the distinctive nature of many conflicts in the contemporary world. Some commentators and scholars argue that we should eschew the legal categories of human rights law and IHL and focus on forms of regulation that involve highly contextual assessment of the complex competing considerations at stake in particular situations. Others argue that traditional legal categories establish important presumptions, and that human rights law in particular is more flexible about the use of force than many observers realize. Still others suggest that we should consider a new third category to guide the use of force that draws on elements of both law enforcement and armed conflict. This course will assess these and other positions in the debate, with the aim of exploring how best to respond to the challenges that international terrorism and other forms of non-traditional state violence pose for the use of force.

This course will satisfy the upper-class writing requirement. Student learning objectives for the course are to use class sessions and the
This course focuses on international war crimes and legal actions taken against war crimes violators. Using such topics as the abuse allegations as irregular rendition, the trial of Saddam Hussein, the arrest warrant for Omar Al-Bashir, the Armenian Genocide, and other events, the course will explore in depth topics such as the principal international war crimes, universal jurisdiction and issues surrounding jurisdiction to conduct war crimes trials, civil remedies for war crimes under the Alien Tort Statute, who should conduct war crimes trials, and other matters. Students will be expected to write a paper, approximately 12-15 pages, on a topic of their choosing pertaining to war crimes, and to participate in class discussions.

Mutually Excluded Courses: Students may not receive credit for both this seminar and Law of War, Law of War Seminar, or War Crimes, Terrorism and International Criminal Procedure.

Note: A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.

Full-time Faculty
Laura Donohue
David A. Koplow
Philip G. Schrag
Jane E. Stromseth
Don Wallace, Jr.