

INTERNATIONAL/NATIONAL SECURITY LAW

[Note: this listing is not intended to represent the Graduate Programs' National Security Law LL.M. degree. This list of courses is for J.D. students who are interested in courses within this area of 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. Professor 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. 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 and Terrorism Seminar* 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 *International Human Rights*, *Immigration Law and Policy*, *International and Comparative Law on Women's Human Rights*, and *Refugee Law and Policy*. 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 1745 v00 Advanced Foreign Intelligence Law (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201745%20v00>)

J.D. Course (cross-listed) | 3 credit hours

Foreign Intelligence (FI) law as a field is marked by a complex statutory and regulatory framing. Increasingly, it is coming into play in ordinary Article III courts in the United States, as well as in European courts overseas. Simultaneously, new and emerging technologies present fundamental challenges to the traditional FI collection paradigms. This course, accordingly, provides students already broadly familiar with the contours of the national security infrastructure and foreign intelligence collection with the opportunity to do a deep dive with a particular eye towards ways in which technology alters threat vectors and presents new opportunities, and risks, to the foreign intelligence regime.

It begins with the constitutional framing and historical background undergirding the introduction of statutory and regulatory measures. The course then dissects the 1978 Foreign Intelligence Surveillance Act (FISA) and its expansion in 1994 to incorporate physical search and again in 1998 to include the use of pen register and trap and trace devices, as well as certain business records. The attacks of 9/11 led to additional changes, with further alterations implemented by the 2008 FISA Amendments Act. Discussion centers on targeting, querying, and minimization procedures adopted by the National Security Agency/Central Security Service, Federal Bureau of Investigation, Central Intelligence Agency (CIA), and National Counterterrorism Center, as well as reports detailing use of FISA.

The course next turns to new technologies that have fundamentally shifted the type of information available to the intelligence community (IC). Special emphasis is given to technologies of import for metadata: social network analytics and algorithmic sciences. It looks at how these technologies mesh with the legal analysis, with particular attention paid to FISA sections 215 and 702.

The course then addresses Executive Order 12333, delving into the associated DoD Directives, Instructions, Manuals, and Annexes; Attorney General Guidelines; CIA Regulations and Directives; and parallel regulatory and policy documents throughout the IC. With the advent of the Internet of Things, next generation social media, 6G networks, artificial intelligence and machine learning, the landscape is about to again shift. Accordingly, the course will further address new and emerging technologies, looking at how they fit – or fail to fit – current law.

The course ends with a unit focused on doctrinal developments (specialized Article III courts, geographic Article III courts, and European tribunals), as well as Article II deliberations introduced via Executive Order in autumn 2022.

Prerequisite: Constitutional Law I or Democracy and Coercion.

Note: THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Interested students should email Todd Huntley (todd.huntley@law.georgetown.edu), Director of the National Security Law Program, explaining any relevant school or professional experience and attaching a resume.

LAW 1541 v00 Advanced Legal Writing and Practice: National Security Law in the Private Sector (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201541%20v00>)

J.D. Seminar | 2 credit hours

Over the past decade, the practice of "National Security Law" as its own discipline in private practice has emerged, partially as a response to market demand for assistance with national security-related agencies, regulations, and issues, and partially as a realignment of several different areas of law into one holistic practice that benefits from cross-sectoral and cross-regulatory experience. (The relevant areas of law include government contracting, international trade, data privacy and security, telecommunications, transactional matters involving foreign direct investment, and other related issues.) This class is designed to prepare students to succeed as national security law practitioners by creating opportunities to develop skills relevant to the various stages of relevant matters, including counseling, investigations, administrative advocacy, and litigation. We will simulate the roles of law firm associate, law firm partner, law clerk, and judge through oral presentations and substantial writing projects (which may be used to develop writing samples suitable for applying to clerkships or other roles). Students will also learn to edit their own work and the work of others. Class format will vary week-to-week and include practice simulations, guest speakers, and seminar-style discussions.

Each student will complete three primary assignments:

- A memorandum or similar piece of writing for counseling (~10 pages)
- A motion, brief, or similar piece of advocacy writing (section) (~15 pages)
- Oral presentation related to the second writing assignment (~7 minutes)

Learning Objectives:

- Improve legal writing and research skills through "real world" applications of national security law topics.
- Develop a deeper understanding of the structure and function of legal advice or legal arguments.
- Practice techniques to more effectively edit and critique one's own writing.
- Produce 1-2 pieces of writing that could be used as writing samples.

Prerequisite: Legal Practice: Writing and Analysis.

LAW 3151 v00 Advanced National Security Law and the Sea (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203151%20v00>)

LL.M Seminar (cross-listed) | 2 credit hours

This course will examine how sovereign States apply the law of sea, other international and domestic laws, and oceans policy to issues affecting national security. Foundational provisions of the 1982 UN Convention on the Law of the Sea, to include baselines, maritime zones, transit regimes, flag and port State control of activities aboard ships, marine environmental protection and access to seaborne resources, and military uses of the sea, will be explored through case studies and hypotheticals. Students will examine how the substance, structure, and practice of the developing law of the sea intersects with other international legal principles and regimes, such as territorial sovereignty and the law of armed conflict, and with domestic and international laws and policies concerning space, cyberspace, electronic warfare, and intelligence collection and sharing. Students will assess the various mechanisms States have implemented to avoid dangerous incidents at sea, seek peaceful resolutions to maritime disputes, and combat illegal seaborne activities. From Great Power Competition to Pacific Island Nation food security, from countering nuclear proliferation to humanitarian assistance/disaster relief, students will explore how the law of the sea is both shaped by and shapes States' responses to national security challenges.

Learning Objectives:

Students will:

- Exhibit an understanding of the history, foundational provisions, and differing interpretations of the 1982 UN Convention on the Law of the Sea.
- Gain an understanding of how law of the sea and oceans policy interrelates with current national security issues.
- Develop the skill to apply the law of the sea, other international and domestic laws, and oceans policy to national security challenges and effectively communicate opinions and analysis to senior national security leaders.

LAW 1740 v00 Artificial Intelligence and National Security: Law, Ethics, and Technology (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201740%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

This two-credit course provides students with an appreciation of the legal, ethical, and technical issues raised by the proliferation of artificial intelligence in the field of national security. The focus of the course is to enable students as lawyers, leaders, and policymakers to grapple with these issues by giving them an understanding of how artificial intelligence operates; its potential and likely use in different national security settings; and how each use raises distinctive legal and ethical questions involving predictability, trustworthiness, responsibility, and accountability. The course will use examples and case studies to illustrate these issues, as well as videos to depict some of the technical aspects of artificial intelligence.

The specific learning objectives for the course are for students to understand the following:

- (1) How artificial intelligence operates, including the concept of an algorithm, how it is trained on data, the statistical models that underlie this training and the basis for its outputs, machine learning, deep learning and neural networks, and the ways in which human choices and interactions shape this process. No technical background in statistics or computer science is necessary, since the goal is to explain these concepts in accessible terms.
- (2) Artificial intelligence as a system involving human-machine teaming, the roles that each member of the team potentially plays at different points in the process, and the concept of trustworthy artificial intelligence.
- (3) The role that artificial intelligence is playing in the national security field, its capabilities and potential applications to specific areas, and the extent to which global competition to employ and refine artificial intelligence is itself a national security issue.
- (4) Limitations and risks of artificial intelligence, and possible ways to address them.

Assessment will be based on paper of 3,000 words (about 12 doubled-spaced pages) discussing a legal, ethical, or technological issue relevant to the course.

LAW 3038 v00 Biosecurity and the Law ([http://](http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203038%20v00)

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 both 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 once thought "dead" bio-threats. 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 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 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 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.

A student who no longer wishes to remain enrolled will not be permitted to drop the class but may request a withdrawal BY PROFESSOR PERMISSION ONLY.

LAW 2070 v00 Corporate National Security Law ([http://](http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%202070%20v00)

curriculum.law.georgetown.edu/course-search/?keyword=LAW%202070%20v00)

LL.M Course (cross-listed) | 2 credit hours

Corporate National Security Law explores important legal issues arising out of the U.S. government's reliance on the private sector for its national security, and the increasing convergence and conflict between national security, technology, and the private sector. The course will focus on: (1) privatization and insourcing/outsourcing issues for the U.S. government in the national security arena; (2) government contracts issues in the national security sphere; (3) export controls; (4) classified information and secrecy issues; and (5) emerging issues at the intersection of national security, technology, and the private sector.

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

This seminar will examine legal and policy issues related to cybersecurity – that is, hacking and other intrusions on global computer and communications networks. The primary focus will be the national security implications of cybersecurity and the current challenges that senior lawyers, policymakers, and the private sector face in addressing those issues. The course will look at international and U.S. domestic law and will examine cyber issues both from the perspective of (1) the U.S. government entities that seek to use cyber tools to further military and other national security aims, and (2) the many government and private sector actors who must defend against the use of these tools by others. The goal of the course is to introduce students to the complex legal and policy issues that senior national security decision-makers must address and to provide insight into the practical challenges they present. The focus of the class is law and policy, not technology. You do not need a technical background to take the course.

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

LAW 1825 v00 Cybersecurity Risks, Rules, Responsibilities and Recovery

(<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201825%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

This class will provide students with a focused study of what laws, standards and liabilities govern cybersecurity. The course will examine cyber risks faced by private and public sector entities such as ransomware, destructive malware, critical infrastructure attacks on industrial control systems, personal data breaches, email account take-overs, exfiltration of proprietary data and intellectual property, exploitation of software and internet hardware vulnerabilities, insider threats, and state-sponsored cyber attacks.

The class will review the role of various government agencies such as the FBI, DOJ, NSA, Cybersecurity and Infrastructure Security Agency, Federal Trade Commission, Securities and Exchange Commission, financial regulators, and their respective international counterparts, etc.

Students will explore the distinction between agencies that help protect and defend against cyberattacks, and those that regulate the sufficiency of private sector cybersecurity safeguards and enforce against putative laggards.

A broad range of cybersecurity laws, Executive Orders, and agency actions will be covered. Major cybersecurity incidents such as those involving (e.g.) Yahoo!, Equifax, NotPetya, Office of Personnel Management, SolarWinds, Colonial Pipeline, Cyclops Blink will be discussed as case studies. The responsibility of corporate boards of directors will be examined. Readings will include legal decisions and settlements related to consumer class actions, shareholder derivative and securities litigation, business-to-business legal claims, and government enforcement actions.

LAW 1794 v00 Domestic Violent Extremism Seminar (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201794%20v00>)

J.D. Seminar (cross-listed) | 1 credit hour

This course will address domestic violent extremism (DVE), an increasingly urgent matter of public concern that raises complex legal and policy issues. The violence at the U.S. Capitol on January 6, 2021, was an unprecedented event. It was, however, the culmination of several years during which domestic violent extremists increasingly organized themselves into paramilitary units, committed racially and politically motivated violence, intimidated people seeking to exercise their constitutional rights, and threatened government officials fulfilling their responsibilities. In March 2021 the Office of the Director of National Intelligence reported that the intelligence community:

assesses that domestic violent extremists (DVEs) who are motivated by a range of ideologies and galvanized by recent political and societal events in the United States pose an elevated threat to the Homeland in 2021. Enduring DVE motivations pertaining to biases against minority populations and perceived government overreach will almost certainly continue to drive DVE radicalization and mobilization to violence.

In June 2021 the White House issued its *Strategy for Countering Domestic Terrorism*, recognizing the significance of the threat and the need for a comprehensive approach focused on information sharing, prevention, disruption and deterrence, and resilience. In January 2022 the head of the Justice Department's National Security Division declared that "attacks in recent years underscore the threat that domestic terrorism continues to pose to our citizens, to law enforcement officers and elected officials, and to our democratic institutions," and announced the creation of a domestic terrorism unit at the Department.

Addressing domestic violent extremism raises a host of complex questions relating to law enforcement, national security, freedom of speech, freedom of assembly, the right to petition regarding grievances, the right to bear arms, voting rights, and the appropriate scope of counterterrorism operations. This course will introduce students to these issues, enhance their ability to engage in rigorous analysis of them, and enable them to formulate responses consistent with the rule of law and in respect of civil rights and civil liberties. This analysis will be informed by an understanding of the history, nature, and sources of DVE, as well as the organizational and associational structures that it may take.

Assessment will be based on a paper of 3,000 words analyzing a legal or policy issue related to domestic violent extremism and proposing options for addressing it.

The learning objectives for this course are for students to:

- (1) Become familiar with the history, nature, sources, and structure of DVE in the United States;
- (2) Understand and be able to analyze the wide range of constitutional issues that policymakers and lawyers must assess in attempting to address such extremism;
- (3) Understand and be able to analyze the statutory and common law legal considerations that are relevant in addressing DVE;
- (4) Appreciate the policy considerations that should inform analysis of DVE; and
- (5) Formulate potential responses to DVE on the federal, state, and local level that appropriately weigh competing considerations based on rigorous analysis of the issues described above.

Note: This course will meet in Spring 2024 on the following Mondays, 3:30 pm - 5:30 pm: 1/22, 1/29, 2/5, 2/12, 2/22 (Monday classes meet), 2/26 and 3/4.

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

The global financial crisis of 2008 resulted in massive human suffering—9 million unemployed in the U.S. alone, and millions lost their homes. It also fundamentally altered financial regulation and American politics and reshaped social and economic dynamics—for example, the crisis led to the formation of the Tea Party, contributed significantly to political polarization and increased economic inequality.

In 2020, the coronavirus pandemic, which has caused even greater human suffering, triggered economic and financial consequences that almost led to another financial crisis. The reforms implemented after 2008, as well as the implementation of emergency programs used in 2008, were likely the reasons we did not have another financial crisis.

Why did the 2008 crisis happen? Why, throughout our history, have we periodically experienced financial crises? What does this history teach us about the adequacy of financial regulation, and whether regulatory failures contribute to financial crises?

We will begin by briefly reviewing the historical development of the United States banking industry, and the regulatory structure governing it, to get an appreciation of the economic and political forces that have shaped the regulation of our financial system. This will include reviewing past financial crises—the Panic of 1907 and the Great Depression and the responses to them, including the development of the Federal Reserve System, deposit insurance and other major reforms.

We will then focus on the 2008 financial crisis. We will examine the forces that produced the complex financial system of the early 21st century, including the rise of the shadow banking industry and the growth of derivatives. We will examine the response to the crisis, which included drawing on emergency powers that were first created by Congress in response to earlier financial crises, as well as new authorities created in response to the events of 2008. We will look at some of the difficult choices faced by government officials in responding to the crisis, as well as the role of individual accountability for behavior that contributed to the crisis. We will also examine the reforms implemented as a result of the crisis.

We will then turn to the pandemic, and look at its economic and financial consequences. Why was there a risk of another financial crisis? Did the reforms of 2008 help prevent a crisis? How was the government's emergency response to the financial stresses similar to or different from the 2008 response?

Finally, having started the course with a look at the beginnings of the American financial system, we will end with what many predict is the future: cryptocurrencies and central bank digital currencies, the development of which has been accelerated by both the 2008 crisis and the pandemic. Will central bank digital currencies replace cash? If so, will they make our financial system more or less stable? Can they make it more inclusive?

The course will include sessions with guest speakers who have been responsible for some of the critical policy decisions that we will discuss.

Strongly Recommended: Corporations.

Mutually Excluded Courses: Students may not receive credit for both this course and the J.D. courses, Federal Banking Regulation: Modern Financial Institutions and Change or Financial Services: Regulation in the Age of Disruption.

LAW 3093 v00 Foreign Investment & National Security: The Committee on Foreign Investment in the United States (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203093%20v00>)

LL.M Course | 2 credit hours

This course will explore foreign direct investment in the United States from the national security perspective through an analysis of the Executive Branch inter-agency body known as the Committee on Foreign Investment in the United States (CFIUS). Students will review the evolution of CFIUS from the Exon-Florio amendment, to the Committee as it exists today, including, but not limited to, the relevant authorities, policy implications, case law, and transactional risk analysis frameworks upon which CFIUS. The course will also examine current events in the national security space to determine how those events have informed recent legislative action taken by Congress with respect to CFIUS and how those legislative changes are implemented by the committee in regulation.

Recommended: National Business Law, National Security Regulation, National Security Law and the Private Sector.

LAW 089 v03 Foreign Relations Law (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20089%20v03>)

LL.M Course (cross-listed) | 2 credit hours

This is an advanced course on constitutional principles bearing on U.S. foreign relations: primarily, separation of powers, federalism and judicial review of Executive acts and congressional legislation. It focuses on some of the most challenging issues that have divided the American polity from the inception of the Republic and continue to do so today, e.g., the allocation of foreign affairs power between the Executive and Congress; the scope of Presidential power to protect the nation in times of danger; and the proper role of the courts in deciding legal issues relating to national security. We will study historical materials that inform the legal arguments on both sides of current controversies over Presidential and Congressional power and discuss foreign relations issues under judicial review in 2020. We also study the power to make treaties and executive agreements, the Supremacy clause and application of customary international law by U.S. courts.

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.

Note: FIRST CLASS ATTENDANCE IS MANDATORY. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist.

NOTE: For the Fall 2021 semester, mandatory first class attendance rules will not be enforced for this course. Enrolled students will not be dropped if not in attendance at the start of the first class, and waitlisted students will remain eligible to be admitted off the waitlist if not in attendance at the start of the first class.

LAW 3152 v00 Front Lines and Foreign Risk: National Security Through the Lens of CFIUS and Team Telecom (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203152%20v00>)

LL.M Seminar (cross-listed) | 2 credit hours

This course will examine how the United States increasingly relies on two committees to assess risks to national security arising from foreign investment in the United States and foreign participation in telecommunications. Specifically, this course will provide students the opportunity to compare and contrast the assessment processes established by the Committee on Foreign Investment in the United States (CFIUS) and the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Team Telecom). To establish a foundation, students will consider the history of CFIUS and Team Telecom since the millennium and examine how successive administrations and Congress have shaped foreign risk reviews, which have dramatically increased in frequency, gravity, and complexity with greater public visibility. Students will assess how CFIUS and Team Telecom reviews fit within the broader U.S. national security strategy and will consider the increasingly prevalent view that economic security is national security. Students will learn that although national security priorities vary from administration to administration, bipartisan attention has continued to focus on risks related to foreign investment in the United States, particularly regarding the development of critical technologies (e.g., microelectronics, artificial intelligence, and quantum computing among others). Throughout this course, students will be encouraged to consider how the government balances the benefits of foreign investment and participation, including promotion of economic growth, productivity, competitiveness, and job promotion, while protecting national security.

Mutually Excluded Courses: Students may not receive credit for both this seminar and Foreign Investment & National Security: The Committee on Foreign Investment in the United States.

LAW 2065 v00 Gender and U.S. Foreign Policy (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%202065%20v00>)

LL.M Seminar (cross-listed) | 2 credit hours

In recent years, the U.S. has developed a comprehensive policy framework that recognizes gender equality as a pillar of U.S. foreign policy and international law. This class will introduce and analyze these policies, including the U.S. National Security Strategy; Women, Peace and Security Act of 2017; U.S. Strategy to Prevent and Respond to Gender-Based Violence Globally; U.S. Strategy on Women's Economic Security; State Department and USAID policy guidance on gender. We will examine the legal basis for women's human rights, as well as the body of evidence linking women's advancement to development, prosperity, and stability. Issues covered will include gender and economic growth, peace and security, political participation, development, gender-based violence, and international institutions and treaties. This class will feature prominent guest speakers in the field.

LAW 3118 v00 Information Operations in the Cyber Age: Law and Policy
(<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203118%20v00>)

LL.M Seminar | 2 credit hours

Russian interference in the 2016 U.S. election, the spread of misinformation related to the COVID-19 pandemic, and the threat of deep fakes have all increased government – and public – attention on the national security threats posed by both State and non-State actors use of information and disinformation. Whether referred to as propaganda, psychological operations, influence operations, or information warfare, States have used information to further their national security interests for many years.

While these activities are not new, cyber capabilities and modern communications technologies have increased both their reach and effectiveness. The use of data to micro-target audiences via social media, leveraging hacked and leaked information, the dissemination of non and misattributed messages to a mass audience, and the potential use of deep fakes all challenge current policy approaches and existing legal norms. This class will examine the U.S. domestic legal and policy issues, as well as the International legal issues, arising from the use of information and disinformation as an instrument of national power.

Learning Objectives

The learning objectives for the course are for students to:

1. Become familiar with how States use information as an instrument of national power, to include past use of propaganda and modern use of disinformation.
2. Appreciate how cyber capabilities have transformed the use of information by States, and the increased threats to national security posed by these activities.
3. Gain an understanding of the domestic and international law governing State informational activities, including the limitations faced by the US Government imposed by the Constitution and US federal law.
4. Understand the role of, and rules applicable to, private actors in monitoring and controlling online communication.
5. Understand how to analyze the different information activities and the applicable legal regimes.

Recommended: International Law course

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 teaches international law by focusing on two bodies of law and how they protect the right to life and the right to liberty. These are international human rights law and international law governing the use of military force.

Governments provide protection against threats to human rights, but also themselves may pose such threats. Law therefore must both enable states to protect human rights and prevent states from violating them.

Relevant to our course, states have an obligation under human rights law to protect individuals from violation of their rights to life and liberty by other individuals and groups. Human rights law also, however, limits how far government may go in infringing rights to life and liberty when fulfilling this obligation.

States also have a responsibility under human rights law to protect their populations from serious threats to life and liberty by other states, and by large nonstate organized armed groups. What we think of as national security law regulates when and how countries may use military force to infringe these rights when fulfilling this obligation. The domestic law component of this body of law regulates when the government has authority under its own laws to invoke national security power when using force. The international law of war governs when the state has authority to use military force under international law, and how a state may use such force when it does so.

As this course will illustrate, the international regulatory framework for protecting life and liberty was designed for a world in which threats to life and liberty arose from either private individuals or small groups on the one hand, or other countries on the other. In this world, police provide protection against the first threat, and international human rights law governs how far they may infringe on life and liberty to do so. The military provides protection against the second threat, and the international law of war governs how far it may infringe on life and liberty in meeting this obligation.

In recent years, however, most serious hostilities have been between countries and large nonstate organized armed groups. When a threat by private persons should be addressed under human rights law and when it becomes so significant that it should be addressed under the law of war therefore has become a source of significant controversy. This course will provide you with a foundation in the basic principles of international law, international human rights law, and the domestic and international law governing the use of military force, with the goal of equipping you to analyze this pressing modern challenge.

Learning objectives for the course are for you to become familiar with:

- (1) basic concepts in international law, especially relating to treaties, customary law, and how international law interacts with domestic law in the United States;
- (2) basic concepts in international human rights law, United Nations and European Conventions on basic human rights, and their impacts on domestic law;
- (3) basic provisions of domestic and international law that deal with when states may use military force, and international law governing how such force may be used in armed conflict; and
- (4) based on your understanding of the subjects described above, for you to appreciate how many contemporary national security concerns present challenges that do not fall squarely within either international human rights law or the international law governing military force – which means that you must be able to think creatively about modern challenges

LAW 1877 v00 International Law, the Global Arms Trade and Human Rights (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201877%20v00>)

J.D. Course (cross-listed) | 1 credit hour

The global trade in arms is estimated to be worth at least \$127 billion dollars (in 2021, the most recent year for which data is available), and has been increasing since 2015. This trade involves not only major powers such as the USA, Russia, and China but also many countries in the global North and South. It also involves a range of technologies, from light weapons and ammunition to aircraft, missiles, drone systems, weapon launchers, through intelligence, information and cyber systems. Recent human rights activism and investigative journalism have drawn public attention to the devastating human rights implications of the trade in what are deemed “conventional” arms. Civil society actors decry the fact that small arms and light weapons have caused the death of millions of individuals in civil wars in the last two decades. Yemeni and European human rights lawyers have initiated legal proceedings against European corporations for complicity with war crimes committed by Saudi Arabia in Yemen with weapons purchased in Europe. Seventeen news organizations joined hands with Amnesty International to investigate Israeli spyware Pegasus, revealing how it has provided authoritarian rulers with the means to surveil their populations and concentrate power.

Indeed, beyond the taking of life, the arms purchased legally by states around the world directly and indirectly harm a wide range of human rights protected in international law, including health, liberty, privacy, free speech and association, and religious freedom. In this course we will explore how international law regulates the global arms trade, focusing on the place of human rights considerations in this regulation. This international regulation is fractured. While weapons of mass destruction and weapons deemed particularly cruel or destructive are subject to specific bans or stringent transfer restrictions, the trade in the bulk of conventional weapons is subject to norms deriving from international humanitarian law, international criminal law, international human rights law, international trade law, non-binding multilateral regimes coordinating export controls, and binding and non-binding rules on business and human rights. After an introduction to the history, trends and political science of the global arms trade, we will discuss the above legal norms and their enforcement mechanisms. In addition to legal sources such as treaties and case-law, we will read scholarship in international law and international relations critically assessing the law from a human rights perspective. The course’s overarching aim is to understand whether international law limits the global arms trade’s harms to human rights, or to the contrary facilitates them. In the process, by examining how various subfields of international law address the arms trade, we will explore the relative strengths and weaknesses of these subfields to protect human rights, of formally binding rules and soft law, and of regulation targeting states, individuals and corporations.

Learning Objectives:

The main learning objective is for students to understand the various international norms regulating the arms trade, including the emerging body of scholarly literature in international law and international relations discussing those norms. Until recently, the international regulation of the conventional arms trade was severely under-studied and under-researched. The course will introduce students to the principal scholars in the field, enabling them to continue researching these issues should they wish to do so in the future. This course will also introduce students to the global arms trade, its main economic and geo-political characteristics, and its human rights implications. They will also learn about the main sources of reliable information about this trade.

More broadly, through discussions in class drawing on legal and international relations literature, the course aims to help students develop critical perspectives on international law, in particular on questions of norm fragmentation, norm enforcement, North-South relations, and

LAW 1832 v00 Introduction to Foreign Intelligence Law (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201832%20v00>)

J.D. Course (cross-listed) | 2 credit hours

Pearl Harbor fundamentally changed Americans’ sense of security. Together with an existential threat in the form of the Cold War, national security institutions rapidly proliferated. Many focused on the collection of foreign intelligence, with the result that by the 1970s, numerous entities were engaged in collecting information on U.S. citizens. Congress responded by passing the 1978 Foreign Intelligence Surveillance Act (FISA) and creating specialized courts to oversee applications for electronic surveillance. Simultaneously, the Executive Branch issued an Executive Order to provide guidelines for all other intelligence activities. Today, FISA, together with Executive Order 12333, provides a framing for the collection of foreign intelligence. Additional instruments, such as National Security Letters, Administrative Subpoenas, and Sneak and Peak Warrants, play a further role in anticipating and responding to threats.

This course, designed for students new to foreign intelligence collection, provides an overview of the key constitutional questions and jurisprudential distinctions. It addresses the statutory and regulatory framework for classified national security information and nuclear-related materials as well as institutional arrangements that comprise the intelligence community. The course then addresses different tools available to the government to obtain information, before addressing some of the most difficult and timely FI questions.

Prerequisite: Constitutional Law I or Democracy and Coercion.

LAW 3130 v00 Investigating Transnational Criminal Organizations & National Security Threats in Cyberspace (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203130%20v00>)

LL.M Course (cross-listed) | 2 credit hours

As a rule, investigating and prosecuting cybercrime is fraught with challenges. Ephemeral electronic evidence, international evidence-gathering obstacles, and anonymizing technologies can frustrate conventional law enforcement investigative techniques. Recently, distinctions between traditional cybercrimes and crimes committed by foreign actors with national security objectives have eroded, creating new investigative challenges: cybercriminals and national security cyber actors now both steal information for personal financial gain; nation-states have reportedly enlisted criminal organizations to act as their proxies to conduct cyber attacks against United States companies; and the tradecraft used by some nation-state actors includes tools and tactics commonly used by cybercriminals, such as botnets and ransomware. The intersection between conventional cybercrimes and national security crimes with a cyber nexus raises novel legal and policy questions involving the extraterritoriality of criminal statutes, the application of international data privacy regulations, and the boundaries of international legal cooperation. Furthermore, the burgeoning role of private actors in data breach response and cyber threat intelligence gathering are altering how cyber offenses are investigated.

This course will take a practical look at how U.S. federal law enforcement pursues investigations and prosecutions of sophisticated cyber threat actors using investigative and prosecutorial criminal tools that at times are augmented by national security authorities. It will furnish a background in criminal statutes that are the bedrock of electronic evidence gathering (e.g., the Wiretap Act, 18 U.S.C. § 2510 et seq.; the Stored Communications Act, 18 U.S.C. § 2701 et seq.; and the Pen Register/Trap and Trace Act, 18 U.S.C. § 3121 et seq.); the substantive laws used to indict cyber actors (e.g., the Computer Fraud and Abuse Act, 18 U.S.C. § 1030); the constitutional questions raised by surveillance techniques used to gather domestic evidence against international actors; and national security issues that prosecutors confront when handling hybrid criminal cases (e.g., discovery issues associated with the use of national security authorities). Students in this class will learn how a federal case against transnational cybercriminals and national security cyber actors is built and the legal landmines that can surface while gathering evidence in "cyberspace."

No technical background is required to take this course, but you will be taught the basics of Internet technology to better understand how technology affects the application of certain criminal laws.

Strongly Recommended: Criminal Justice, Criminal Law, or Criminal Procedure; Courses in technology-related subjects

LAW 063 v00 Issues in Disarmament: Proliferation, Terrorism, and Great Power Rivalry Seminar (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20063%20v00>)

J.D. Seminar (cross-listed) | 3 credit hours

This seminar addresses modern military weapons – their development, acquisition, proliferation, use, control, and elimination – 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 exploring careers in public international law, but will also be relevant to others interested in the role of the lawyer in influencing United States public policy more generally. Each student will prepare a substantial original research paper and participate in small exercises designed to provide some simulated experience in characteristic legal tasks, such as drafting, analyzing, briefing, etc.

Mutually Excluded Courses: Students may not receive credit for this course and Proseminar in National Security Law.

LAW 1765 v00 J.D. National Security Law Specialization Program

(<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201765%20v00>)

J.D. Seminar | 0 credit hours

This course will build on the substantive issues covered in the Fall semester by introducing students who are interested in pursuing a career in national security law to the field from both a substantive and practical perspective. The goal will be to provide a foundation for students to make an informed career decision and prepare them with the practical knowledge they will need to succeed in the field.

Students will be exposed to the various potential career paths through presentations by faculty and practitioners. National security law is practiced in traditional hard security sectors, such as by military service members or civilians at the Defense Department or Department of State. However, national security can also be practiced by lawyers all across U.S. government agencies, including Department of Treasury, Commerce, and Justice or in the legislative branch. National security law is also practiced by lawyers in the private sector, from the non-profit sector doing policy analysis to law firms which focus on national security regulations. Introducing students to these career paths, through presentations or with field experience if possible, will be complemented through an informal mentorship program to guide second-year law students through internship and entry-level legal career application navigation.

The course will meet once every two weeks in two-hour classes for a total of seven classes. This course is only open to first year National Security Law Specialization Program students with professor permission.

Learning Objectives:

The learning objectives for the course are for students to:

1. Gain an understanding of how to prepare for a career in national security law.
2. Discuss and contemplate what type of issues arise in the national security law practice area.
3. Learn about the various career choices available to them and connect with fellow upper-class students, Georgetown faculty, and practitioners to further hone their interests.

Note: This course is open only to first year National Security Law Specialization Program students.

Enrollment is by professor permission. This course is offered on a mandatory pass/fail basis. This course does not count toward the seven credit pass/fail limit.

LAW 1106 v02 Judicial Review of Military Justice Proceedings:

Current Issues and Constitutional Perspectives (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201106%20v02>)

J.D. Seminar (cross-listed) | 1 credit hour

This seminar will address the relationship between courts-martial and civilian judicial proceedings, focusing on the allocation of responsibilities in the military justice system to commanders, judges, and lawyers. Specific topics will include the contemporary debates regarding sexual misconduct and combat-related offenses. The assigned readings will utilize materials available on the internet, including judicial decisions, legislative and regulatory materials, and law review articles. The seminar paper will take the form of a draft judicial opinion based upon topics covered in the course. The seminar is designed for students 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 seminar will be held on the following days, 1:00 - 4:20 p.m.: February 9, 10, 23, and 24. This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course.

LAW 936 v02 Law of War (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20936%20v02>)

LL.M Course (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 922 v01 National Security & the Law of the Sea (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20922%20v01>)

LL.M Course (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 ocean, from internal waters and other coastal zones through the regimes of the high seas, and an overall appreciation for U.S. ocean 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 formal and informal 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.

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 the course formerly known as Oceans Law and Policy.

LAW 1896 v00 National Security and Emerging Technologies (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201896%20v00>)

J.D. Course (cross-listed) | 2 credit hours

The rapid pace of technology presents tremendous opportunities as well as risks for U.S. national security. It also generates a certain amount of grey area as statutory and regulatory provisions fall behind the tech curve. It is not at all clear how existing doctrinal, statutory, and regulatory regimes apply to phenomena like the metaverse, artificial intelligence, cryptocurrencies, and biomanipulation. This course, accordingly, tackles the interstices between law and tech, particularly as it presents in the online world. Part I lays a groundwork to ensure that students who do not come from either a national security or tech-intensive background have a firm understanding of constitutional doctrine, institutional delineation, and the basics of Ethernet and WiFi; IP Addresses, Protocols, and Routing; and circuit and packet switched networks. Part II shifts to analysis of online communications, storage, and computing. In conjunction with a deep dive on fourth amendment interception and third party doctrine, the course examines the enterprise network environment and cloud computing. It then moves into decryption and quantum computing, taking these in conjunction with the All Writs Act and covert action requirements. Part III focuses on network analytics. It emphasizes algorithmic sciences, data structures, sorting and searching, and artificial intelligence. The corresponding legal analysis centers on first amendment doctrine and social media platform practices, exploring how efforts to come to grips with misinformation and online manipulation have faltered in the face of first amendment considerations. Part IV focuses on online gaming technologies, addressing in the process blockchain and cryptocurrency and ways in which technology design and data collection is now enabling biomanipulation. The legal analysis engages, *inter alia*, the law of armed conflict. The course ends with a gaming lab, where students will have the opportunity to go online using haptic gaming equipment to deepen their understanding of legal challenges presented by the online world.

Prerequisite: Constitutional Law I: The Federal System.

Note: Note for LL.M. section: THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Enrollment in this section is restricted to students in the National Security Law LL.M. program. Interested students should contact Professor Todd Huntley at (Todd.Huntley@law.georgetown.edu).

LAW 1458 v01 National Security and Human Rights Seminar (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201458%20v01>)

J.D. Seminar (cross-listed) | 2 credit hours

The struggle to respect and ensure human rights while also protecting national security raises important and complex legal and policy challenges. This course will examine current issues at the intersection of human rights and national security, with a focus on the use of force.

The first half of the course will cover the legal frameworks governing the use of force, including the UN Charter and *jus ad bellum*, the law of armed conflict (also known as the law of war or international humanitarian law), human rights law, and the U.S. Constitution. Students will examine how the rise of transnational terrorist organizations and advancements in armed drone technology have blurred the line between wartime and peacetime legal rules and placed tremendous pressure on these legal frameworks in the decades following the 9/11 attacks. By the end of this portion of the course, students will be able to analyze uses of military force in the daily news to determine whether the use of force is lawful under domestic and international law.

The second half of the course will cover key issues at the intersection of national security and human rights including: U.S. drone strikes, indefinite detention and the use of military commissions at Guantanamo, the CIA's torture program after 9/11, the climate crisis, and more. Where feasible, we will cover current events and have practitioners from the field join us for a discussion of the topic. In past years, we have had speakers from the State Department, Defense Department, Congress, and human rights organizations such as Human Rights Watch and Human Rights First.

Student learning objectives for the course are to use class sessions and the preparation of a paper:

- To become familiar with basic human rights standards that govern the use of force in law enforcement settings, with particular emphasis on the International Covenant on Civil and Political Rights and the European Convention on Human Rights;
- To become familiar with basic international law standards that govern the grounds for resort to force (*jus ad bellum*) and regulate the way force may be used in armed conflicts (*jus in bello* or law of armed conflict/international humanitarian law);
- To gain an appreciation of the complex ways in which many current security threats and responses to them have features that do not fall squarely into the categories of either crime subject to law enforcement operations or armed conflict subject to conventional military operations; and
- To become familiar with a range of complex issues at the intersection of national security and human rights and the diversity of professional opportunities in these areas.

Strongly Recommended: International Law; National Security Law; Law of War; Foreign Relations Law; Constitutional Aspects of Foreign Affairs; International Human Rights Law; or the first-year elective International Law, National Security, and Human Rights.

LAW 849 v01 National Security Investigations and Litigation (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20849%20v01>)

LL.M Seminar (cross-listed) | 2 credit hours

This class will address the law governing national security investigations and related litigation. Topics will include foundational legal authorities, electronic surveillance, national security letters, and the differences between Article III courts and military commissions. National security law is often inaccessible, and can be particularly hard to follow when divorced from the context of historical tradition, governmental structures, and the operational reality in which it functions. While steering clear of classified or confidential aspects of the practice, the class will attempt to present the law in context. Class participation and three short papers are required.

Prerequisite: J.D. students must complete Criminal Justice, Democracy and Coercion, or Criminal Procedure.

Mutually Excluded Courses: Students may not receive credit for this course and the J.D. course, National Security Law: Investigations and Prosecution or National Security Surveillance.

LAW 972 v03 National Security Law (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20972%20v03>)

J.D. Course (cross-listed) | 3 credit hours

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.

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.

Note: LL.M. STUDENTS: THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Priority will be given to LL.M. students in the National Security program. Students must submit a resume/CV and a statement of interest in the course to Professor Huntley (Todd.Huntley@law.georgetown.edu) by 5:00 p.m. on Tuesday, June 13, 2023. After the June 13 application deadline, students will be admitted into open seats on a rolling basis.

LAW 1151 v00 National Security Lawyering Seminar (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201151%20v00>)

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 (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201402%20v00>)

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. Areas of law that will be examined include National Emergencies Act, International Emergency Economic Powers Act, cybersecurity, export controls, economic sanctions, and foreign investment.

Recommended: Administrative Law and National Security Law.

LAW 755 v00 Nuclear Non-Proliferation Law & Policy (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20755%20v00>)

LL.M Course (cross-listed) | 2 credit hours

This course will provide students with an understanding of the current matrix of nuclear non-proliferation treaties, multilateral arrangements, laws, regulations, initiatives, proposals, and organizations that aim to halt the spread of nuclear weapons and prevent nuclear terrorism. The goal is to examine the full array of tools employed by the United States to address nuclear proliferation, as well as how the Executive Branch brings these tools to bear through the inter-agency process and its joint efforts with Congress and international partners. Virtually every element of the nonproliferation toolbox was deployed to address the nuclear programs of Iran and North Korea, so considerable time will be spent examining these critical cases. We will also examine how the nuclear programs of India and Iraq shook and ultimately altered the nonproliferation regime.

Throughout the course, we will consider nonproliferation efforts in the context of great power strategies, alliance obligations, and regional rivalries, on how these factors influence the decision-making of proliferating countries and countries seeking to prevent proliferation. A continuing theme in the course will be the evolution of nonproliferation tools over time and the role of and lawyers in that evolution.

LAW 260 v04 Research Skills in International and Comparative Law (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20260%20v04>)

J.D. Seminar (cross-listed) | 2 credit hours

Whether they are representing couples in transnational adoptions or multinational enterprises in cross-border mergers, legal practitioners increasingly are expected to consult international and foreign legal materials. This course will familiarize students with the best tools for researching international law and the domestic law of jurisdictions outside the U.S., enabling them to approach these tasks with confidence, rather than trepidation. Students will learn how to efficiently locate multilateral and bilateral treaties, decisions issued by international tribunals, documentation produced by the United Nations and other international organizations, as well as legislation and case law from selected foreign jurisdictions, including the European Union. Tools for topical research in specialized fields, such as human rights, international trade, and investor-state arbitration, also will be covered. Students will refine their information-gathering skills through a series of in-class research exercises and take-home quizzes based on real world, practice-oriented scenarios. This course will be especially beneficial for journal editors, students participating in the Jessup International Moot Court competition and other international competitions, and for students interested in pursuing careers in international law or in practicing law outside their home jurisdiction.

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

LAW 1746 v01 Social Media Law (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201746%20v01>)

J.D. Course (cross-listed) | 2 credit hours

This course offers an understanding of social media law in the face of disruptive technologies like artificial intelligence, extended reality, and blockchain. For the first time in history, anyone with an internet connection can speak and be heard across the globe in seconds, by audiences of one to one million. Traditionally in-person activities are going digital, as the Super Bowl held a virtual halftime show with Saweetie, and South Korean president Yoon Suk-yeol generated huge campaign buzz with his avatar AI Yoon. User-generated content is also changing, as generative AI companies like Midjourney and ChatGPT can turn you into Frida Kahlo or Shakespeare with just a written prompt.

This is only the beginning—haptics will allow users to physically feel their online interactions, while companies like Meta and Google are experimenting with AI that interprets brain waves. In this course, we will examine these developments through a legal lens, discussing issues like Section 230, the First Amendment, antitrust, and privacy laws. Students will also leave the course conversant in the economic and policy considerations that frame regulatory discussions in the space, including platform business models, the creator economy, and national security concerns. As social media and the internet increasingly swallow all aspects of public life, lawyers of all stripes will need to tackle the new challenges that arise. This course is an all-important first step.

LAW 1746 v00 Social Media Law Seminar (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201746%20v00>)

J.D. Seminar (cross-listed) | 2-3 credit hours

Overview:

Never before have so many individuals had such a tremendous opportunity to access information, to engage with others, and to express their views on a global scale. Simultaneously, 24/7 online access means that actors can more easily manipulate networks, foment hatred, reach audiences poised to engage in violence, and spread false information. Platforms seemingly protected by the First Amendment, moreover, can be used to undermine and destabilize democratic systems and to radicalize and recruit adherents to violent causes. The risks to national security could be profound.

Does the government have the right to remove content from these sites? Can it require the same of private actors? What should the role of the platforms themselves be in light of the enormous political, social, and economic implications of restricting—or failing to restrict—online speech and association? What options are there for dealing with false, misleading, or manipulative information? What are the risks posed by the different courses of action? How should we think about traditional areas of the law, such as antitrust, when agreement among social media providers results in effective de-platforming of certain individuals and views? What are the privacy implications of micro-targeting and social media evolution in the advertising and marketing arena? And what happens when effective targeting is moved to a political realm?

The issue is far from static: technology is catapulting social media forward at warp speed. 5G and 6G networks will make it possible to deploy online experiences previously cabined to science fiction. A number of apps such as Snapchat, have integrated real time digital overlay features, as augmented reality (AR) blends the digital and 3-Dimensional world. Apple has deployed Quick Look AR that allows customers to “see” products in AR, interact with others, and buy the products directly. Users already can build virtual worlds, in games such as Minecraft, Roblox, Fortnite, and Second Life. Niantic is now taking it to the next level, developing what it calls full-world AR, leveraging Pokemon GO to crowdsource data to generate 3D space. Google glasses and Facebook Smart Glasses transform AR to a feature of daily 3D interaction. These devices allow companies to collect engagement metrics and to use them to further target users.

The move to virtual reality will be even more profound. Patents have been filed for collecting biopotential signals, tracking muscle and eye movements to re-create individuals’ expressions and actions in an online environment. Others allow users to feel digital images in a 3D world, integrating the experience. The recording of what is done in the VR allows users to share the experience with others, even as hardware attached to other users will be able to mimic the experiences of the original user. How should we think about brain computing and online actions in light of criminal law?

In short, how should we think about social media in light of the current constitutional, statutory, and regulatory environment?

This course begins with a deep dive into technology and the business of social media before turning to First Amendment doctrine and contemporary social media cases. It then looks at issues related to misinformation and disinformation and electoral manipulation, with a particular emphasis on Russian and Chinese practices in regard to social media.

The course mixes traditional lecture background with Socratic exchange and intense debates. Students taking it for 2 credits (either p/f or for credit) will draft 8 1-page, weekly response essays for the readings. Students taking it for 3 credits will have the opportunity to develop a

LAW 4001 v00 State Cyber Operations and Responses (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%204001%20v00>)

LL.M Seminar (cross-listed) | 2 credit hours

This course will examine the applicable international and domestic law to State actions in cyberspace, including affirmative State actions such as intelligence collection, information warfare, and cyber effects operations; the responses by victim States and entities; and responses by private actors in the United States. The course will specifically delve into the international legal regimes pertaining to State sovereignty and the United Nations Charter; draft Articles of State responsibility and the doctrine of prohibited intervention; responsive actions under the doctrines of countermeasures, retorsion, and reprisal; and the application of the Jus-In-Bello. Additionally, the course will review current U.S. domestic law governing both actions by the U.S. government in cyberspace, whether in offense or defense, as well as limitations on response options by private entities. These legal and policy regimes will be explored through historic case studies and hypotheticals with a focus on analysis of those areas where there are competing views and interpretations. Students will assess the various legal and policy regimes through the lens of multiple actors, both States and non-States, with constantly evolving and advancing technology.

LAW 1656 v00 Technology and Election Integrity Seminar (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201656%20v00>)

J.D. Seminar (cross-listed) | 2-3 credit hours

This course will examine the security requirements for voting systems (particularly those used for civil elections in the United States), how various technology designs and implementations meet or fail to meet these requirements, and how such systems can be improved. The course will focus on the implications of various vote-casting technologies ("voting machines") as well as the "backend" election management systems and processes that define ballots, register voters, provision precinct equipment, and count and report vote tallies. While it will not be our main focus, we will also examine the interaction between modern social media and foreign and domestic influence operations aimed at affecting election outcomes.

We will devote particular attention to understanding how the legal framework and historical threat models for elections relate to specific technical requirements, how technical failures can affect election outcomes, and the limitations of various remedies when such failures occur. We will look at a range of formal and informal proposed designs for election systems, specific systems that have been or are currently in active use, and various studies that have been made of these systems and designs. The course will focus on technical security issues, but will also touch on usability, threat modeling, and legal and governance issues.

Our primary reference will be the 2018 National Academies study "Securing the Vote" as well as readings drawn from the technical, legal, and policy literature.

Student papers will focus on some issue at the intersection of technology and voting, depending on the specific background and interests of the student.

Recommended: A basic background in computer science and software will be helpful but is not essential.

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 3134 v00 The Intersection of Employment and National Security Law (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203134%20v00>)

LL.M Course (cross-listed) | 1 credit hour

Federal employees and contractors safeguard our nation's most sensitive information and secrets. However, many do not consider that national security is a major consideration when employing civil servants or making decisions regarding their continued employment. As of 2017, over 4.3 million Americans possess a security clearance and even more have access to sensitive, unclassified information. Security clearances and suitability reviews assess the reliability, trustworthiness, and character of prospective employees.

Because security clearance and suitability adjudications often determine whether a person is hired - and in some cases, fired - they invoke the application of employment protections under laws such as Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, and the Americans with Disabilities Act Amendments Act of 2008. The decision to deny employment based on a security clearance or suitability decision is considered an adverse action. While some actions are subject to judicial and/or administrative court review, others are not. Therefore, executive orders, federal regulations, and agency guidance are necessary to ensure that vetting is both thorough and fair. In the last decade, courts and agencies have grappled with issues ranging from discrimination to the stigmatization of mental health issues in security clearance and suitability adjudications.

This course will examine the intersectionality of national security issues and employment; specifically, how national security concerns shape vetting in federal employment from security clearances to suitability reviews. Moreover, it will serve as an introduction to understanding the interplay of federal case law, executive orders, federal regulations, and agency guidance in this area.

LAW 1458 v00 Use of Force, National Security, and Human Rights Seminar (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201458%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

The struggle to respect and ensure universally recognized and protected human rights while also protecting national security raises important and complex legal and policy challenges across a range of issues from the "war on terror" to climate change. This course will address current issues at the intersection of national security and human rights, with an emphasis on the novel and complex questions about the nature of conflict, national security threats, and the place of human rights in the context of the struggle against transnational terrorism after 9/11. These questions are especially salient with regard to state use of force, which involves the deployment of violence against individuals, as well as their seizure, detention, and trial.

In general terms, the current legal approach to dealing with these issues tends to present decision makers with a binary framework that was created with the assumption that conflict between states is the primary threat to international peace and stability. The absence of armed conflict is presumed to constitute peacetime, when human rights law requires that states deal with threats to the peace through law enforcement operations in which lethal force may be used only as a last resort, and exercising physical control over individuals is strictly constrained. Movement from peacetime to war occurs when states use armed force against one another, or when the use of force between non-state organized armed groups (against one another or against a state) reaches sufficient intensity and duration. During this period, the traditional paradigm assumes that international humanitarian law (IHL) largely governs state conduct, and that the demands of human rights law must be adapted to the IHL regime.

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

Full-time and visiting Faculty

Mary DeRosa
 Laura Donohue
 David A. Koplow
 Marty Lederman
 David Luban
 Mary McCord
 Milton Regan
 Philip G. Schrag
 Jane E. Stromseth
 Don Wallace, Jr.