



## Syllabus

National Security Law – Spring 2024  
Law 384 R01 (3 units)

Class Schedule: Wednesdays, 6:00pm – 8:00pm EST

January 17<sup>th</sup>, 24<sup>th</sup>, 31<sup>st</sup>

February 7<sup>th</sup>, 14<sup>th</sup>, 21<sup>st</sup>, 28<sup>th</sup>

*\* No class on March 6<sup>th</sup> due to Spring Recess:\**

March 13<sup>th</sup>, 20<sup>th</sup>, 27<sup>th</sup>

April 3<sup>rd</sup>, 10<sup>th</sup>, 17<sup>th</sup>

\* [https://www.law.gmu.edu/academics/calendar#2024\\_Spring\\_Semester\\_3](https://www.law.gmu.edu/academics/calendar#2024_Spring_Semester_3)

Zoom Info: <https://gmu.zoom.us/j/97594061090>

Office Hours: Wednesdays, 4pm – 5:30pm  
I will be available for phone calls and/or Zoom calls during the above times.

Professor: [Omario S. Kanji](#)  
E [okanji@gmu.edu](mailto:okanji@gmu.edu)

## Course Description:

This lecture course will explore the distribution of national security powers amongst the three coordinate branches of government and engage students in understanding the laws and policies that govern the legality of war, military operations in wartime, intelligence collection, protection of national security information, foreign intelligence surveillance, covert action, special military operations, offensive counterterrorism operations, the detention, interrogation, and prosecution of terrorism suspects, including military commissions, the domestic use of the military, homeland security, cybersecurity, and other current issues in the national security area.

## Learning Outcomes:

At the end of this course, it is expected that you will:

- understand the interbranch context in which national security law operates;
- be able to identify key themes of national security law;
- know if a career in national security law is for you, and/or what aspects of national security law you can expect to encounter in your legal career;
- understand the various facets of national security law, and how it shapes our world today.

### **Internet, Phone and Recording Policies:**

Use of the internet during class is only permitted for class-related searches or access to class related material. Also, please silence or turn off your phones during class – texting or any other phone use is prohibited during class. Recording of the class aside from our Zoom recordings is prohibited.

### **Attendance:**

I will take attendance. ASLS academic regulations require regular and punctual class participation and attendance for academic credit to be earned. The regulations also provide that:

*“If a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent for that session.”*

Should a student anticipate the possibility of missing a substantial number of class sessions (e.g., in the case of a serious illness), please immediately contact Annamaria Niels, Associate Dean for Administration and Student Affairs at [aniels@gmu.edu](mailto:aniels@gmu.edu) or at (703) 993–8174.

### **Exam:**

You will have a take-home final exam. Exact days and time frames will be announced in due course.

### **The Socratic Method:**

I will use the Socratic method in class and I expect lively discussions and healthy debates in class. A healthy debate is a civil debate; it is not a competition to see who wins or loses. The Socratic method is not an instrument of torture; it is intended to foster healthy and civil disagreement, learning, collaboration, and intellectual stimulation. I expect to learn from you as much as I hope you will learn from me.

For further information, please see the below two helpful links:

<https://www.law.uchicago.edu/socratic-method>

<http://www.umich.edu/~elements/probsolv/strategy/cthinking.htm>

### **Honor Code:**

At all times, you are expected to abide by the Law School’s Honor Code found here:

[https://www.law.gmu.edu/academics/honor\\_code](https://www.law.gmu.edu/academics/honor_code).

For all other matters and/or for further clarification, please consult with Annamaria Niels, Associate Dean for Administration and Student Affairs at [aniels@gmu.edu](mailto:aniels@gmu.edu) or at (703) 993–8174.

**Main Text:**

National Security Law, 1st Edition

Eric P. Merriam and Douglas B. McKechnie (“M&M”)

ISBN: 9781683289128

<https://www.westacademic.com/Merriam-and-McKechnies-National-Security-Law-9781683289128>

You can receive 15% off the cost of any print or electronic books purchased from the West Academic online store (<https://www.westacademic.com/>) by using the school-specific discount code WAGMU at checkout. In addition, you will receive free 30-day digital access to casebooks immediately after purchase, so you can read online until your print version arrives. If you create an account and sign in prior to completing the purchase, students will also receive free shipping within the US by using that code. You can reach West Customer Support at 1-877-888-1330 (option 4) or via email to [support@westacademic.com](mailto:support@westacademic.com).

**CLASS SCHEDULE, TOPICS, & READINGS**

*\*please complete all below readings before class*

**Class 1: January 17<sup>th</sup>**

*Course Introduction and Overview*

*The Constitution and The Fourth Amendment*

*Reading:*

1. Chapters 1 and 6 (M&M)
2. Bill of Rights, emphasis on Fourth Amendment

**Class 2: January 24<sup>th</sup>**

*National Security and Three Branches*

*Reading:*

3. Chapters 2, 3, and 4 (M&M)
4. Articles 2 and 3, U.S. Constitution

**Class 3: January 31<sup>st</sup>**

*Interbranch Conflicts and Private Sector*

*Reading:*

5. Chapter 5 (M&M)
6. *In re: Directives to Yahoo! Inc. Pursuant to Section 105B of the Foreign Intelligence Surveillance Act, 551 F.3d 1004 (FISA Ct. Rev. 2008)* (Read p. 11 – The Fourth Amendment Challenge until p. 31 - stop before “Parting Shot”)
7. PSP GW Bush 2001 – read p. 11 to end of p. 16

**Class 4: February 7<sup>th</sup>**

*Free Speech, National Security and Homeland Security*

*Reading:*

8. Chapters 8 and 19 (M&M)
9. National Security Act of 1947 (Sec. 401 (p.1) & Secs. 1001 – 1003 (pp. 5-7))
10. Foreign Intelligence Surveillance Act (FISA) – Secs. 1801 and 1802

**Class 5: February 14<sup>th</sup>**

*Cyber War and Disinformation*

Reading:

11. Chapter 11

*Guest Speaker:*

Ms. Ellen McCarthy: <https://www.linkedin.com/in/ellen-mccarthy-0ba3787/>

**Class 6: February 21<sup>st</sup>**

*Foreign Intelligence, International Law and Military Force*

Reading:

12. Chapters 7, 9 and 10

**Class 7: February 28<sup>th</sup>**

*Mid-Semester Career Panel – No Reading*

*Guest Speakers:*

Ms. Alexandra J. Seymour: <https://www.linkedin.com/in/alexandrajseymour/>

Mr. Matthew F. Ferraro: <https://www.linkedin.com/in/matthew-f-ferraro-9241088a/>

**\*\*\* Spring Recess – No Class on March 6<sup>th</sup> \*\*\***

**Class 8: March 13<sup>th</sup>**

*The Intelligence Community*

Reading:

Chapter 17

**Class 9: March 20<sup>th</sup>**

*Interrogating and Detaining Terror Suspects*

Reading:

Chapters 12 and 13

**Class 10: March 27<sup>th</sup>**

*Rendering and Prosecuting Terror Suspects*

Reading:

Chapters 14 and 15

**Class 11: April 3<sup>rd</sup>**

*Killing Terror Suspects*

Reading:

Chapter 16

*Reading:*

Chapter 18

**Class 12:**     **April 10<sup>th</sup>**  
*Covert Action*

**Class 13:**     **April 17<sup>th</sup>**  
*Final Review*