

NATIONAL SECURITY LAW – Professor Dycus

Fall 2017

Assignments for First Classes

The ongoing war against the Islamic State, a continuing threat of terrorist attacks at home and abroad, escalating tensions with North Korea, a breakdown in relations with Russia, legislation to limit domestic electronic surveillance, cyber security, and climate change have all dominated headlines recently. These developments have important legal dimensions. They also reflect the currency and practical relevance of our study of national security law. Equally important, they provide special insights into the workings of law and government, and into the responsibility of lawyers to help keep us safe and free. All will figure prominently in our studies this semester.

Page references are to Stephen Dycus et al., *National Security Law* (6th ed. 2016).

Essential Background

Please read for background pp. 1-23, as well as relevant provisions of the United States Constitution found at pp. 1419-1425. These materials are exceedingly important and will be the subject of discussion throughout the course.

Monday, August 28

United States v. Curtiss-Wright Export Corp.; *Dames & Moore v. Regan* 53-70

These two Supreme Court cases help us to frame the still extremely vigorous debate about the sources and extent of the President's foreign relations powers.

Wednesday, August 30

Zivotofsky v. Kerry; *The Prize Cases*; *Little v. Barreme*; *In re Neagle* 70-95

The cases in this assignment bring sharply into focus the correlative roles of the executive and legislative branches (as well as the courts) in providing for the nation's defense.

Wednesday, September 6

Bas v. Tingy; *Greene v. McElroy* 105-125 Note 3, 349-354

This assignment reveals more about Congress's authority either to approve or to constrain the Commander in Chief's exercise of national security powers.