

NATIONAL SECURITY LAW – Professor Dycus

Fall 2018

Assignments for First Classes

Threats from a nuclear North Korea, Russian interference in U.S. elections, ongoing conflicts in Syria and Iraq, immigration policy, targeted killings of terrorist suspects, security implications of climate change, cyber warfare, and NSA spying on Americans' email and phone calls 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 here are to Stephen Dycus et al., *National Security Law* (6th ed. 2016). Please note that Stephen Dycus et al., *2018-2019 Supplement for National Security Law (6th ed.) and Counterterrorism Law (3rd ed.)* (2018) is also required for the course.

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 27

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 29

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 5

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.