

NATIONAL SECURITY LAW – Professor Dycus

Fall 2019

Assignments for First Classes

The growing threat of war with Iran, Russian interference in U.S. elections, abandonment of the INF nuclear treaty, ongoing conflicts in Syria and Afghanistan, immigration policy, 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) (NSL) and Stephen Dycus et al., *2019-2020 Supplement for National Security Law (6th ed.) and Counterterrorism Law (3rd ed.)* (2019) (Supp.).

Essential Background

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

Monday, August 26

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

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

Wednesday, August 28

Zivotofsky v. Kerry; *The Prize Cases*; *Little v. Barreme* NSL 70-80 Note 1, Supp. 1,
NSL 81 Note 3-95

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 4

Bas v. Tingy; *Greene v. McElroy* Supp. 1-14, NSL 105-121

This assignment, which includes President Trump's declaration of a national emergency at the U.S. southern border, reveals even more about Congress's authority either to approve or to constrain the Commander in Chief's exercise of national security powers.