AMERICAN CONSTITUTIONAL LAW II
INR 4401
SPRING 2012

ADJUNCT PROFESSOR DEREK B. BRETT, ESQ.

GENERAL INFORMATION

(1) Office Location & Office Hours:

I do not maintain a UCF-office location. All messages should be referred either through the Political Science Department; via email to derek@thetatefirm.com, or by telephoning me directly at 407-781-2392. Email contact is the preferred method.

(2) Required Texts:

Law Among Nations: An Introduction to Public International Law, by Gerhard von Glahn & James Larry Taulbee (9th Edition).

Constitution of the United States of America

(3) Optional Texts:

Additional readings will be announced and/or distributed in class. In particular, these readings will focus on rulings from the recent International law/body determinations.

(4) Grading System:

Mid-Term Essay Examination: **40%**
Final Examination: **40%**
Class Participation and Attendance: **20%**

The student will observe the potential significance of classroom attendance and participation. Ultimately, **20%** of the overall course grade will rely upon these factors. Therefore, it is highly recommended that serious effort be dedicated to participating in any and all interactive review of reading assignments, and in-class discussion topics. I am serious – your final grade will be impacted by your class participation or lack thereof.

There will be two (2) examinations: a mid-term exam; and a final exam. It is anticipated that this method is consistent with a scheme adopted by law school professors. The mid-term and final exams will be entirely essay. The final exam will incorporate not only subjects from the second half of the course, but potentially earlier course principles. By all means, students are expected to be original, even innovative in their answers to examination questions. Critical thinking skills are key to success in this course.

I do award grades based upon a +/- scale. However, I do so in a way that I believe will benefit the individual student. I will generally award plus (+) grades (e.g., B+, C+), when students meet those particular averages. I will only give minus (-) grades when a student falls (by perhaps a few-tenths of a percentage point) to the next lower grade but perhaps

merits consideration for something more. For example, if a student averages 79.8 for his/her course grade, I am willing to consider 'bumping' the grade up from a C+ to a B-.

COURSE DESCRIPTION

International Law is the set of rules generally regarded and accepted as binding in relations between states and nations. It differs from national legal systems in that it only concerns nations rather than private citizens. National law may become international law when treaties delegate national jurisdiction tosupranational tribunals such as the European Court of Human Rights or the International Criminal Court. Treaties such as the Geneva Conventions may require national law to conform.

The term "international law" can refer to three distinct legal disciplines:

- Public international law, which governs the relationship between provinces and international entities. It includes these legal fields: treaty law, law of sea, international criminal law, and the laws of war or international humanitarian law.
- Private international law, or conflict of laws, which addresses the questions of (1) which jurisdiction may hear a case, and (2) the law concerning which jurisdiction applies to the issues in the case.
- Supranational law or the law of supranational organizations, which concerns regional agreements where the laws of nation states may be held inapplicable when conflicting with a supranational legal system when that nation has a treaty obligation to a supranational collective.

The two traditional branches of the field are:

- *Jus gentium* – law of nations
- *Jus inter gentes* – agreements between nations

COURSE OBJECTIVES

The objective of this course is to introduce you to the important role that the international compacts and covenants have in impacting the laws and behavior of Nations. With this end in mind, we will explore the international human rights, economic and ecological laws and concepts. The focus of this course is more than the memorization of concepts and principles. Hopefully, this class will contribute to the development of your analytical and reasoning skills; the strengthening of your reading comprehension; the expansion of your vocabulary and verbal expression; the improvement of your writing skills; and the heightening of your personal expectations and discipline.

TENTATIVE COURSE OUTLINE
**** Cases Listed Are Not All-Inclusive ****
**** Scheduling is Subject to Change at Professor's Sole Discretion ****

Tuesday, January 10

Chapter 1 – The Nature of International Law (pp. 2-21)

Tuesday, January 17

Chapter 3 – Sources of Law (pp. 44-64)

Tuesday, January 24

Chapter 22 – International Humanitarian Law War Crimes (pp. 604-634)

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Tuesday, January 31

Chapter 23 – War Crime Tribunals (pp. 636-669)

Tuesday, February 7

Chapter 16 – The Individual & International Law Human Rights (pp. 398-432)

Tuesday, February 14

Chapter 17 – International Criminal Law

Tuesday, February 21

Mid-Term Essay Examination (Due Date: Via Email March 6, 2011, by 6PM)

Tuesday, February 28

Chapter 5 – International Legal Process (pp. 103-121)

Tuesday, March 13

Chapter 9 – Rights & Duties of International Legal Persons (pp. 181-208)

Tuesday, March 20

Chapter 11 – Principles of Jurisdiction (pp. 234-267)

Tuesday, March 27

Chapter 12 – State Responsibility: Responsibility for Injuries to Aliens (pp. 269-295)

Tuesday, April 2

Chapter 20 - International Economic Law (pp. 533-565)

Tuesday, April 9

Pre-Final Q&A and In-Class Review

Final Essay Examination (Due April 23, 2011, at 6:00PM)

INTERNATIONAL LAW STUDENT'S CODE OF PERSONAL RESPONSIBILITY

Above all, this course encompasses the following fundamental aspects of personal responsibility:

· **Commitment:** the level of dedicated action(s) you continue to take after your enthusiasm for an enterprise stops.

· **Accountability:** taking full responsibility for your actions by owning up to the negative or failed results, taking action to make up for it to the person(s) you let down, and learning what you did wrong so that it doesn't occur again.

· **Maturity:** how well you are able to resist an irresistible impulse and instead have and exercise judgment and do the reasonable thing. In the brain we refer to this as exercising one's executive function.

· **Honesty:** this is simply telling the truth according to the facts as you understand them. You know honesty best, when you tell a lie. Pathological liars lie whenever they are trying to get their way and take advantage of a situation. Compulsive liars lie both when the are trying to get their way and when they are trying to get out of facing the consequences of their actions.

· **Forthrightness:** this is coming forward and telling the truth and revealing untruths that you become aware of. It is believing and following Justice Louis Brandeis words: "Sunlight is the greatest disinfectant."

· **Character:** what you do when you are frustrated, angry, annoyed, afraid and/or bored and nobody is watching and your chance of getting caught is close to nil.

· **Sacrifice:** what you do unto others who will not (immediately) be able to pay you back by doing unto you.

· **Compassion:** what you *feel* unto others who will not be able to do more than say, "Thank you."

· **Thinking ahead and planning:** overcoming the aversion to anything that causes you to forego immediate gratification.

· **Listening:** and then pausing to consider what you've heard before rejecting it, tuning out or competing with it (a skill every generation needs to learn).

FINAL COURSE NOTES:

I AM REASSURING YOU, IN THE BODY OF THIS SYLLABUS, OF MY REASONABLE AVAILABILITY THROUGHOUT THE SEMESTER. I MAKE GREAT EFFORTS TO BE CONTINUOUSLY AVAILABLE FOR STUDENT QUESTIONS AND CONCERNS. IT IS INCUMBENT UPON YOU TO ASK QUESTIONS. IT IS INCUMBENT UPON YOU TO SEEK ASSISTANCE. THIS COURSE IS ABOUT SELF-RESPONSIBILITY AND LEARNING TO EXERCISE CRITICAL THINKING AND ADVANCED WRITING SKILLS.

I CONDUCT REVIEW SESSIONS FOR BOTH THE MIDTERM AND FINAL EXAMS. THIS OCCURS ON THE SAME EVENING AS THE DISTRIBUTION OF THE EXAMS.

I DO NOT NEGOTIATE GRADES. I COMMIT TO GRADING EACH PAPER FAIRLY. I AM UNIMPRESSED BY STUDENTS WHO ATTEMPT TO PERSUADE ME TO AWARD CERTAIN GRADES. YOUR GRADE WILL BE CONTINGENT UPON YOUR ASSESSED EFFORTS.

I DO AWARD EXTRA CREDIT. THE EXTRA CREDIT WILL BE AWARDED FOR ALL EXAMS WITH ME DECLARING TO WHICH EXAM ANY EXTRA CREDIT WILL BE ASSIGNED. I REQUIRE ACTUAL PROOF IN ORDER TO AWARD SUCH EXTRA CREDIT. THIS SEMESTER, EXTRA CREDIT WILL BE APPLIED AS FOLLOWS:

- ***BLOOD/PLATELET DONATION OR FOUR (4) HOURS OF APPROVED, NON-POLITICAL, COMMUNITY SERVICE WORK – 5 POINTS EXTRA CREDIT VALUE ON MINI-EXAM;***
- ***POTENTIALLY, ATTENDANCE AT A CAMPUS EVENT(S) TO BE LATER DESIGNATED – 5 POINTS EXTRA CREDIT VALUE (I WILL DETERMINE WHICH PARTICULAR EXAM SUCH CREDIT CAN BE APPLIED).***

I WILL AWARD NO MORE THAN 10-12 POINTS OF EXTRA CREDIT PER EXAM. EXTRA CREDIT IS PROVIDED TO STUDENTS IN LIEU OF ANY GRADE CURVE. I DO NOT CURVE EXAM GRADES – I ALLOW FOR EARNED STUDENT EXTRA CREDIT TO SERVE IN PLACE OF A CURVE.

FINALLY, I RESERVE THE ABSOLUTE RIGHT TO CHANGE THE SCHEDULE (AND DIRECTION) OF THE COURSE, WITHOUT NOTICE. ANY CHANGES TO THE SCHEDULE WILL BE COMMUNICATED TO YOU BY ME (OR MY DESIGNATED REPRESENTATIVE) PROMPTLY DURING CLASS. YOUR CONTINUED ENROLLMENT IN THIS COURSE CONSTITUTES YOUR IMPLICIT CONSENT TO ALL TERMS AND CONDITIONS STATED HEREIN.