POS 6686: National Security Law

School of Political Science, Security, and International Affairs

College of Sciences, University of Central Florida

Course Info

- Term: Spring 2020
- Class Meeting Days/Times: Thursdays, 6pm to 8:50pm
- Class Location: Political Science Dept Conference Room (HPH)
- Credits: 3

Instructor Info

- Instructor: Eric Merriam, J.D., LL.M.
- Primary Office: Legal Studies Dept, Suite 430, DPAC (Downtown Campus)
- Secondary Office: Political Science Dept, Suite 305, HPH (Where's this?)
- Office Hours:
  - **Tuesdays**
    - 1-2pm (HPH office - Political Science Dept)
  - **Thursdays**
    - 1-4pm (HPH office - Political Science Dept)
- Office Phone: 407-823-3074
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Course Description

This course offers an examination of the domestic and international legal authority affecting US national security and the command and control of the key instruments of the national security, focusing on the US military and intelligence apparatuses. Primary emphasis is on national security law as a source of, and constraint on, national security power. Topics include: presidential and congressional treaty and war powers under the Constitution; use of the military under the modern national security system; legal authority for the use of force; intelligence law; counterterrorism; and domestic use of the military.

Course Objectives (Student Learning Outcomes)

Students will:

1. **Shared National Security Powers:** Improve understanding of the Constitutional framework of shared national security powers between the President, Congress, and the Judiciary, and the Judiciary's role in shaping that authority.
2. **National Security vs. Individual Liberties:** Increase understanding of the complex balance between security and liberty.
3. **National Security Law as a Policy Tool:** Understand the ways in which political actors use national security law as a tool to achieve policy goals and the tension between law as a tool for power versus law as a constraint on power.
4. **Use of Force:** Improve understanding of domestic and international legal authorities regarding the use of force.
5. **Critical Thinking and Application to Modern Challenges:** Develop critical thinking skills and be able to utilize those skills to comprehend and analyze complex contemporary national security challenges.
6. **Communication Skills:** Improve written and oral communication skills.

Course Concept

As is the case for most graduate courses, this is a seminar course where discussion of the reading material will comprise the bulk of class time. However, the course reading material and pedagogical approach will differ significantly from most graduate courses in that the course intentionally uses the law school style of study, using a law school casebook rather than traditional political science readings. This approach exposes students to the way attorneys -- an important element of the national security apparatus -- think about and deal with national security issues. By considering national security questions from the legal perspective, students are regularly confronted with a central question of the course: does law *enable* or *constrain* the exercise of national security power (stated differently, is law a tool or obstacle to the exercise of national security power)? Additionally, students will be better appreciate and understand the legal elements and parameters of national security policy choices.

Required Text

Though a few additional readings may be posted on the course website or handed out in class, most of the required readings for this course are in the course textbook, National Security Law, 6th Edition, by Dycus et al. This is a law school level casebook/textbook. Readings are very manageable in size for a graduate course; you are expected to complete them all in advance of every class.

Course Policies and Expectations

Academic Conduct: Academic dishonesty in any form will not be tolerated. If you are uncertain as to what constitutes academic dishonesty, please consult The Golden Rule, the University of Central Florida's Student Handbook (http://www.goldenrule.sdes.ucf.edu/Links to an external site.) for further details. As in all University courses, The Golden Rule Rules of Conduct will be applied. Use of unauthorized resources is prohibited. Violation of academic conduct requirements will result in a record of the infraction being placed in your file and, at a minimum, receiving a zero for the graded assessment in question. At the instructor's discretion, you may also receive a failing grade for the course. Confirmation of such incidents can also result in expulsion from the University. The plagiarism checker turnitin.com is used for written assignments.

There are many websites claiming to offer study aids to students that are actually facilitating cheating (ex., Quizlet). Such sites encourage students to upload course materials, such as test questions, individual assignments, and examples of graded material. **Such materials are the intellectual property of instructors, the university, or publishers and may not be distributed without prior authorization. If a student has reason to believe that the material on the study website is an actual assessment (quiz, discussion, exam, etc.), they must report that to the instructor. Students may not share/post discussion/exam/quiz questions or answers on any study website. Students who engage in such activity are in violation of academic conduct standards and may face penalties, including failing this course, having a grade for this course later changed when improper posting is discovered, and other penalties imposed by UCF.**

Academic Engagement: To ensure that all eligible students receive their financial aid in a timely manner, UCF requires students demonstrate engagement very early in the term. In this course, this takes the form of a quiz during the first week, for which extra credit is also available.

Accessibility: The University of Central Florida is committed to providing access and inclusion for all persons with disabilities. Students with disabilities who need disability-related access in this course should contact the professor as soon as possible. Students should also connect with Student Accessibility Services (SAS) <http://sas.sdes.ucf.edu/> (Ferrell Commons 185, sas@ucf.edu, phone 407-823-2371). Through Student Accessibility Services, a Course Accessibility Letter may be created and sent to professors, which informs faculty of potential access and accommodations that might be reasonable. Determining reasonable access and accommodations requires consideration of the course design, course learning objectives and the individual academic and course barriers experienced by the student.

Accommodation: If you believe observance of your religious faith requires accommodation, please contact me at least one week in advance of the date for which you wish to request an accommodation. If you are a deployed active duty military student and feel that you may need special accommodation due to that unique status, please contact me to discuss your circumstances.

Attendance: Attendance at each class is expected. Failure to attend regularly and on time will result in a reduction of the grade. Missing more than two classes will result in a one letter grade reduction in your overall course grade. **If you miss more than three classes, you will fail the course.** Late arrivals are distracting to your classmates and me, so please be on time to class. Missing more than 30 minutes of a class (beginning, end, or middle) constitutes an absence. **If your personal circumstances will cause you to regularly miss or be late to class, I completely understand, but I strongly recommend you reconsider taking this course.**

Class Preparation and Participation: This is a seminar-style graduate course and your regular preparation for and participation in class are essential. To participate effectively, you must be prepared for each class. You are expected to complete all readings for full comprehension. Class participation grade will be based on my assessment of your consistent preparation, meaningful participation, initiative, leadership, maturity, professionalism, and contribution to whole-class and group discussion that contributes to learning and benefits your classmates. Quality participation can take several forms, including asking an informed question, answering a question posed by another student or me, responding to another student's comment, raising a relevant legal issue that is in the news ("current events"), or otherwise participating in the discussion in a relevant way. Questions or comments that are particularly insightful or that demonstrate a superior understanding or thought process particularly benefit the class. Because preparation can rarely be evaluated without participation, please ensure you participate in a way to demonstrate your preparation. I may solicit your feedback or that of your classmates in determining your preparation and participation grade. Your preparation and participation are an indication of your professionalism -- be excellent!

Collaboration: All graded events are individual effort only unless otherwise explicitly directed. You are welcome (encouraged, if you need it) to use the University Writing Center (UWC) to improve your written work product. The UWC is a free resource for UCF undergraduate and graduate students. At the UWC, a trained writing consultant will work individually with you on anything you're writing, at any point in the writing process from brainstorming to editing. Appointments are recommended, but not required. For more information or to make an appointment, visit the UWC website at http://www.uwc.ucf.edu, stop by MOD 608, or call 407.823.2197.

Communication with Professor: Regularly check your KnightsMail and Webcourses email and look for Announcements here in the course for important information. **Ensure your Webcourses notifications settings let you know when you've received a new "Inbox message" (email) or "course announcement" from me.** You are responsible for all information communicated by me through Webcourses. You are welcome to converse with me by email (Webcourses's Inbox messaging is preferred), phone, or other mutually agreed communication technology (likely Skype or something similar). You can generally expect to get a response from me to emails within 24-48 hours on business days; communication on the weekend or holidays may take longer. If extended substantive discussion or explanation of course material is required, in person conversation is preferred to written communication. Also,

please be aware that I am not permitted to communicate by email to any address other than through Webcourses or to your official KnightsMail address.

Copyright. This course may contain copyright-protected materials such as audio or video clips, images, text materials, etc. These items are being used with regard to the Fair Use doctrine in order to enhance the learning environment. Please do not copy, duplicate, download or distribute these items. The use of these materials is strictly reserved for this online classroom environment and your use only. All copyright materials are credited to the copyright holder.

Electronic Devices: Students may use electronic devices *for class purposes only* (taking notes; looking up class-related information when appropriate). Use of electronic devices for purposes other than class is distracting to other students and to the professor and will not be tolerated. Violations of this policy may result in loss of privilege to use electronic devices and/or adverse grade consequences. No recording devices of any kind may be used in class.

Grades:

Course grades will use the standard 10-point scale, without pluses or minuses (A = 90-100; B = 80-89; C = 70-79; D = 60-69; F = below 60)

Grades for the course will be based on performance in four areas, with points as follows:

Class Preparation and Participation (30 points): See description of expectations in syllabus. Professor will assess preparation and participation based on observation in class.

Discussion Leader (20 points): One of the graded events in this course will be your performance as a "Discussion Leader" for a topic in class. Responsibilities will include providing a discussion guide to fellow students and the professor in advance of class and taking the lead in discussing the topic during class. Students may be discussion leaders for classes indicated by an asterisk on the Course Schedule. More details to be provided separately.

War Powers Legal Advice Memorandum (20 points): Students will be assigned to represent Congress or the President in writing a legal memorandum that supports their assigned client's perspective on a hypothetical situation implicating the War Powers Resolution.

Research Paper (30 points): Students will write a research paper regarding a topic of their choice addressing a *legal issue* in the field of national security law. More details provided separately.

Late Work. Unless otherwise specified, assignments are due before 6pm on the date specified. Late work will be penalized as follows: up to 24 hours late, reduction of 20% of maximum available points. ***No credit* for assignments submitted more than 24 hours late**. Extensions are rarely granted, must be requested before the deadline for the assignment, and are at the sole discretion of the professor. If an extension is

granted, it will only be because the student faced truly unforeseen and unforeseeable circumstances that prevented timely submission of the assignment. Students believing they need an extension under such circumstances should contact the professor as soon as possible to explain and make alternative arrangements. The types of events that have qualified for late submissions in the past have included unplanned hospitalizations of the student, emergency medical treatment, and other family emergencies that have occurred in the day or two prior to a graded assessment being due. Events that have not qualified include being "busy," having work obligations, or being sick for some of the time leading up to the due date of the assignment.

You can access your scores at any time using Webcourses. Please note that scores are not official until I submit them to the Registrar at the end of the semester (when you'll be able to view them at myUCF Grades (https://myucfgrades.ucf.edu/).

Office Hours: I will be generally available during posted office hours (and you are absolutely free to just drop by), but I *recommend* you make an appointment in advance (email is best for making appointments).

Plagiarism: You are expected to familiarize yourself with UCF's policy on plagiarism. All work you submit must be your own scholarly and creative efforts. UCF's Golden Rule defines plagiarism as follows: "**whereby another's work is used or appropriated without any indication of the source, thereby attempting to convey the impression that such work is the student's own.**" Written assessments in this course may use a plagiarism checker, such as turnitin.com.

Respect: Respect for others is the most important value in this course and is a key element of your academic education. Because of the contentious nature of some of the subject matter addressed in law courses, respect will be especially important, including respect for others (by respecting the right to have different opinions and by courteous behavior) and respect for yourself (through professional presentation and effort). I reserve the right to modify course grades, including receiving a failing grade, for a significant violation of this expectation of respect.

The University of Central Florida considers the diversity of its students, faculty, and staff to be a strength and critical to its educational mission. UCF expects every member of the university community to contribute to an inclusive and respectful culture for all in its classrooms, work environments, and at campus events. Dimensions of diversity can include sex, race, age, national origin, ethnicity, gender identity and expression, intellectual and physical ability, sexual orientation, income, faith and non-faith perspectives, socio-economic class, political ideology, education, primary language, family status, military experience, cognitive style, and communication style. The individual intersection of these experiences and characteristics must be valued in our community.

Title IX prohibits sex discrimination, including sexual misconduct, sexual violence, sexual harassment, and retaliation. If you or someone you know has been harassed or assaulted, you can find resources available to support the victim, including confidential resources and information concerning reporting options at www.shield.ucf.edu Links to an external site.and http://cares.sdes.ucf.edu/.

For more information on diversity and inclusion, Title IX, accessibility, or UCF's complaint processes contact:

- Title IX – Office of Institutional EquityLinks to an external site.
- Disability Accommodation – Student Accessibility ServicesLinks to an external site.
- Diversity and Inclusion Training and EventsLinks to an external site.
- Student Bias Grievances – Just Knights response teamLinks to an external site.
- UCF Compliance and Ethics OfficeLinks to an external site.
- UCF Ombuds OfficeLinks to an external site.

Safety:

Emergencies on campus are rare, but if one should arise during class, everyone needs to work together. Students should be aware of their surroundings and familiar with some basic safety and security concepts.

- In case of an emergency, dial 911 for assistance.
- Every UCF classroom contains an emergency procedure guide posted on a wall near the door. Students should make a note of the guide's physical location and review the online version at http://emergency.ucf.edu/emergency_guide.htmlLinks to an external site..
- Students should know the evacuation routes from each of their classrooms and have a plan for finding safety in case of an emergency.
- If there is a medical emergency during class, students may need to access a first-aid kit or AED (Automated External Defibrillator). To learn where those are located, see http://www.ehs.ucf.edu/workplacesafety.htmlLinks to an external site. (click on link from menu on left).
- To stay informed about emergency situations, students can sign up to receive UCF text alerts by going to ucf.eduLinks to an external site. and logging in. Click on "Student Self Service" located on the left side of the screen in the toolbar, scroll down to the blue "Personal Information" heading on the Student Center screen, click on "UCF Alert", fill out the information, including e-mail address, cell phone number, and cell phone provider, click "Apply" to save the changes, and then click "OK."
- Students with special needs related to emergency situations should speak with their instructors outside of class.

Syllabus Updates: This syllabus is meant to provide you with an overview of the course, but I may need to make changes. If so, I'll provide you with notice, and if the changes are significant, a revised syllabus. Modifications will be posted to Webcourses. If you identify inconsistencies between what you see on this page and other pages in Webcourses, please notify me, but rely on what is stated on this page unless instructed otherwise.

Technical Support: If you have technical problems with Webcourses, please contact Webcourses technical support, available hereLinks to an external site.. If you notice a technical problem with the course (e.g., a Module doesn't unlock when it should, group discussion boards aren't working, assignments aren't allowing

submissions, etc.), you are welcome to inform me of it, but contacting **Webcourses Online Support Links to an external site.**will result in faster (and more competent!) resolution of Webcourses technical problems. If this is the first time you will be using Webcourses to take an online course at UCF, I strongly encourage you to first take the brief tutorial, available hereLinks to an external site., and KnightsOnlineLinks to an external site..

Webcourses: Though this is an in-person course, we will use Webcourses extensively, especially for assignment submission. Students should use Webcourses for communications with the professor and classmates, class preparation materials, and due dates for graded assessments. If you are unfamiliar with Webcourses, I strongly recommend reviewing this Intro to Webcourses tutorial provided by UCF.