POS 6686 – National Security Law

School of Political Science, Security, and International Affairs

Course Information

- Term: Spring 2024
- Class Meeting Days/Times: Wednesdays, 6pm to 8:50pm
- Class Location: TBD
- Credits: 3

Instructor Info

- Instructor: Eric Merriam, J.D., LL.M.
- Office Hours (in office in SPSIA, HPH or by Zoom): Tuesdays, 12:30-3pm; Wednesdays, 5:30-6pm
- Office Phone: 407-823-2608
- E-mail: for course-related communications, please use Webcourses' Inbox; otherwise, use eric.merriam@ucf.edu

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, 7th Edition, by Dycus et al. This is a law school-level casebook/textbook. Readings are extensive, but manageable in size for a graduate course; you are expected to complete them all in advance of every class.

Course Activities

The learning in this course consists primarily of assigned reading and class discussion, which will be conducted in a Socratic style similar to law school courses.

Graded Assessments Descriptions:

Discussant grade will involve being the primary "on call" students prepared to discuss the assigned reading, in which each Discussant is expected to have formed considerable expertise in the assigned reading. This will occur five times throughout the term. Though class Preparation and Participation is not separately assessed, your Discussant grade can be positively or negatively affected by your overall Preparation and Participation throughout the semester.

Legal Advice Memorandum is a term-culminating summative assessment that will require you to provide long-form written legal analysis regarding a hypothetical scenario. This is the legal profession's equivalent of writing a "paper" to demonstrate what you have learned. Will be submitted as a file upload in Webcourses. More information will be provided separately.

Preparation and Participation is a critical part of the course -- your learning depends on both. Particularly strong/helpful Preparation and Participation performance during the course can positively affect your overall course grade; likewise, distracting or disruptive conduct can negatively affect your overall course grade.

Reaction Essays involve answering essay prompts regarding the assigned reading that week. Each student will be assigned five reaction essays throughout the course of the semester. Will be submitted as a file upload in Webcourses. More information will be provided separately.

Make-up Exams and Assignments

Per university policy, you are allowed to submit make-up work (or an equivalent, alternate assignment) for authorized university-sponsored activities, religious observances, or legal obligations (such as jury duty). If this participation conflicts with your course assignments, the instructor will offer a reasonable opportunity for you to complete missed assignments and/or exams. The make-up assignment and grading scale will be equivalent to the missed assignment and its grading scale. In the case of an authorized university activity, it is your responsibility to provide the instructor a signed copy of the Program Verification Form for which you will be absent, prior to the class in which the absence occurs. In any of these cases, please contact the instructor ahead of time to notify of upcoming needs.

Assessment and Grading Procedures

This course involves relatively few graded assessments, each of which comprises a significant portion of the grade for the course, and most of which occur in the second half of the semester.

Assignment	Percentage of Course Grade
Discussant (5x)	35%
Legal Advice Memo	25%

Preparation and Participation	5%
Reaction Essays (5x)	35%
Total	100%

Grading Scale: 93-100: A; 90-92: A-; 87-89: B+; 83-86: B; 80-82: B-; 77-79: C+; 73-76: C; 70-72: C-; 67-69: D+; 63-66: D; 60-62: D-; Below 60: F

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/).

Consult the latest Graduate catalog for regulations and procedures regarding grading such as incomplete grades, grade changes, and grade forgiveness.

Course Schedule

The Course Schedule listing class meeting dates, class prep assignments, and Discussant Group and Reaction Essay Group assignment dates is located here.

Course Policies and Expectations

Academic Conduct:

Academic misconduct in any form will not be tolerated. Familiarize yourself with UCF's Rules of Conduct at https://scai.sdes.ucf.edu/student-rules-of-conduct/ , especially Section 1, Academic Misconduct. Academic misconduct includes, among other things, use of unauthorized resources, unauthorized distribution of class notes, and plagiarism.

Violations of the Rules of Conduct or the policies identified on the Academic Misconduct page here in this course, which is incorporated in the Syllabus, 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 and may require disclosure on future school and work applications. I take seriously my responsibility to preserve the value of honest work and will respond to academic misconduct accordingly.

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, etc.), they must report that to the instructor.

Students may not share/post discussion/quiz questions or answers on any study website. Students who engage in such activity violate 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 promptly, I am required by UCF to document student "academic engagement" during the first week of the term. In this course, this takes the form of a quiz during the first week -- please pay careful attention to the deadline!

Attendance: Attendance is expected but not separately assessed (graded). This course is designated as an in-course and in-person attendance is preferred. However, attendance by Zoom is permitted, except when acting as a Discussant, when in-person attendance and participation are required (absent special arrangement with SPSIA).

Class Preparation and Participation: This is a law school-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! **If you do not intend to be prepared for class and participate meaningfully in class discussion, please do not take this course!**

Collaboration: All graded assessments are individual effort only unless otherwise explicitly directed. (The only graded assessments in this course that permit collaboration is preparation for serving as a Discussant and preparation/participation in class). 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 UCF email 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. You can generally expect to get a response from me to emails within 24-48 hours on business days during the term; communication on the weekend or holidays may take longer. If extended substantive discussion or explanation of course material is required, conversation is preferred to written communication. Also, please be aware that I am not permitted to communicate by email other than through Webcourses or to your official UCF email address.

Copyright: This course contains copyright-protected materials such as audio or video clips, images, etc. These items are being used with regard to the Fair Use doctrine in order to enhance the learning environment. Additionally, this course contains intellectual property of the instructor, including lectures, graded assessments, and assigned reading. You may not copy, duplicate, download or distribute any of these items. The use of these materials is strictly reserved for students enrolled in this course only. Additionally, recordings of classroom activities made in accordance with Florida law may not be distributed *to anyone* except as explicitly authorized by Florida law.

Late Work and Missed Assignments:

- Except as discussed in this paragraph, **Reaction Essays** may not be submitted late. Failure to submit on time will result in a zero for that essay. During the term I will accept **one** Reaction Essay up to 48 hours late without penalty. No further exceptions will be permitted, even for medical or other emergencies.
- **Discussant** periods may be switched in limited circumstances and with advanced permission only. Unless emergency circumstances arise, advanced permission means arrangement at least one week in advance. Absent medical emergency or hospitalization, if a Discussant period is missed without advanced permission, a zero will be recorded for that period and no makeup will be permitted.
- The **Legal Advice Memorandum** may be submitted late, but with a 20% reduction in final grade for the assessment for each day it is late (for example: 20% reduction if it is 1 minute to 24 hours late; 40% reduction if 24-48 hours late; etc.)

Office Hours: As noted at the top of the syllabus, I will be available for in-person and online (Zoom) office hours this semester. Because my office hours often fill up completely, and because occasionally I am required to take on other responsibilities during my scheduled office hours, I strongly recommend you make an appointment in advance so that you can be sure I am available. Appointments must be made for online meetings. Appointments at times other than my set office hours may be available at mutually convenient times.

Respect: Respect for others is an 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). Respect includes appropriate behavior

and comments toward or about others, whether on our team or not. I reserve the right to modify course grades, including receiving a failing grade, for a significant violation of this expectation of respect.

Recording Class: Except as explicitly permitted by Florida law, no audio, video, or photo recordings may be taken in class or used by students without advanced permission from the instructor. Under Florida law, students may, without prior notice, record video or audio of a class lecture for a class in which the student is enrolled for their own *personal educational use* (not the use of others). A class lecture is defined as a formal or methodical oral presentation as part of a university course intended to present information or teach students about a particular subject. Recording classroom activities other than class lectures or use of recordings for purposes other than required by Florida law is prohibited. Recordings may not be used as a substitute for class participation and class attendance, and may not be published or shared without the written consent of the faculty member. Failure to adhere to these requirements may constitute a violation of the University's Student Code of Conduct as described in the Golden Rule.

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 and indicated here with red font. 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 here.

Technology in the Classroom: Use of electronic devices such as laptops, phones, or tablets during class is permitted, but only for class-related purposes. Failure to comply will result in loss of electronic device use privilege and will have adverse grade consequences for your Preparation and Participation grade.

University Policies and Resources

Academic Services and Resources

A list of available academic support and learning services (coaching, tutoring, etc.) is available at Student Learning and Academic Success. Click on "Academic Support and Learning Services" on the right-hand side to filter.

Accessibility

The University of Central Florida is committed to providing access and inclusion for all persons with disabilities. Students with disabilities who need access to course content due to course design limitations 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). For students connected with SAS, a Course Accessibility Letter may be created and sent to professors, which informs faculty of potential course access and accommodations that might be necessary and 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. Further conversation with SAS, faculty and the student may be warranted to ensure an accessible course experience.

Campus 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 <https://centralflorida-prod.modolabs.net/student/safety/index>.
- 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 <https://ehs.ucf.edu/automated-external-defibrillator-aed-locations>.
- To stay informed about emergency situations, students can sign up to receive UCF text alerts by going to <www.getrave.com/login/ucf> and logging in. On the "My Account" tab, fill out the information, including e-mail address and cell phone number.
- Students with special needs related to emergency situations should speak with their instructors outside of class.
- To learn about how to manage an active-shooter situation on campus or elsewhere, consider viewing this videohttps://youtu.be/NIKYajEx4pk.

Deployed Military Students

Students who are deployed active duty military and/or National Guard personnel and require accommodation should contact their instructors as soon as possible after the semester begins and/or after they receive notification of deployment to make related arrangements.

Non-Academic Services and Resources

A list of non-academic support and services (counseling, financial or housing crisis, etc.) is also available at UCF Student Services.

If you are a UCF Online student, please consult the UCF Online Student Guidelines for more information about your access to non-academic services.

Religious Observances

Students must notify their instructor in advance if they intend to miss class for a religious observance. For more information, see the UCF policy at <http://regulations.ucf.edu/chapter5/documents/5.020ReligiousObservancesFINALJan19.pdf>

Title IX Policy

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 https://letsbeclear.ucf.edu and http://cares.sdes.ucf.edu/.

UCF Cares

During your UCF career, you may experience challenges including struggles with academics, finances, or your personal well-being. UCF has a multitude of resources available to all students. Please visit UCFCares.com if you are seeking resources and support, or if you are worried about a friend or classmate. Free services and information are included for a variety of student concerns, including but not limited to alcohol use, bias incidents, mental health concerns, and financial challenges. You can also e-mail ucfcares@ucf.edu with questions or for additional assistance. You can reach a UCF Cares staff member between 8 a.m. and 5 p.m. by calling 407-823-5607. If you are in immediate distress, please call Counseling and Psychological Services to speak directly with a counselor 24/7 at 407-823-2811, or please call 911.

University Writing Center

The University Writing Center (UWC) offers writing support to students from first-year to graduate in every discipline. Tutors provide help at every stage of the writing process, including understanding assignments, researching, drafting, revising, incorporating sources, and learning to proofread and edit. The UWC's purpose is not merely to fix or edit papers, but to teach writing strategies that can be applied to any writing situation. Consultations are available for individuals and small groups. You may schedule a 45-minute appointment by clicking the *Success Resources* tab on Webcourses, calling the UWC at 407-823-2197, or through the UWC website, http://uwc.cah.ucf.edu/

Course Schedule Summary:

Date	Details
Wed Jan 10, 2024	Calendar Event POS6686-24Spring 0001
Fri Jan 12, 2024	Quiz Academic Engagement Activity (Quiz)
Wed Jan 17, 2024	Calendar Event POS6686-24Spring 0001
Wed Jan 24, 2024	Calendar Event POS6686-24Spring 0001
Wed Jan 31, 2024	Calendar Event POS6686-24Spring 0001
Wed Feb 7, 2024	Calendar Event POS6686-24Spring 0001
Wed Feb 14, 2024	Calendar Event POS6686-24Spring 0001
Wed Feb 21, 2024	Calendar Event POS6686-24Spring 0001
Wed Feb 28, 2024	Calendar Event POS6686-24Spring 0001
Wed Mar 6, 2024	Calendar Event POS6686-24Spring 0001
Wed Mar 13, 2024	Calendar Event POS6686-24Spring 0001
Thu Mar 21, 2024	Calendar Event POS6686 - Lesson 9
Wed Mar 27, 2024	Calendar Event POS6686-24Spring 0001
Thu Mar 28, 2024	Calendar Event National Security Law Class (Recurring Meeting)
Wed Apr 3, 2024	Calendar Event POS6686-24Spring 0001

Date	Details
Thu Apr 4, 2024	Calendar Event National Security Law Class (Recurring Meeting)
Wed Apr 10, 2024	Calendar Event POS6686-24Spring 0001
Thu Apr 11, 2024	Calendar Event National Security Law Class (Recurring Meeting)
Wed Apr 17, 2024	Calendar Event POS6686-24Spring 0001
Thu Apr 18, 2024	Calendar Event National Security Law Class (Recurring Meeting)
Thu Apr 25, 2024	Calendar Event National Security Law Class (Recurring Meeting)
Sun Apr 28, 2024	Assignment Legal Advice Memorandum
	Assignment Class Preparation and Participation
	Assignment Discussant - Round 1
	Assignment Discussant - Round 2
	Assignment Discussant - Round 3
	Assignment Discussant - Round 4
	Assignment Discussant - Round 5
	Assignment Reaction Essay Assignment - Round 1
	Assignment Reaction Essay Assignment - Round 2
	Assignment Reaction Essay Assignment - Round 3

Date	Details
	Assignment Reaction Essay Assignment - Round 4
	Assignment Reaction Essay Assignment - Round 5