

**GEORGETOWN UNIVERSITY LAW CENTER
CURRICULUM GUIDE FOR NATIONAL SECURITY LAW CERTIFICATE STUDENTS**

This *Curriculum Guide for National Security Law Certificate Students* is designed to help students select offerings listed under “National Security Law Certificate Courses” (referred to collectively in this *Guide* as “National Security” courses) in the Course Schedule of Georgetown University Law Center. Designed primarily to assist candidates for the Certificate in National Security Law, the *Guide* also may prove useful to other students in selecting courses in this area. The *Guide* complements but does not supersede course registration materials provided in print and on line.

Contents

The *Guide* consists of three parts. Part I provides introductory information. Part II lists the courses which meet the certificate requirements. Part III suggests additional courses outside of the certificate that may prove useful.

Part I: Introductory Information

Academic Counseling

For assistance in selecting courses, please contact the Registrar’s Office or John Stephens, Director, LL.M. Academic Services, 202-662-9036 or jts26@law.georgetown.edu.

Course Prerequisites

In General. Many National Security courses list one or more courses as prerequisites. If you have taken the listed course at Georgetown or an equivalent course or courses at another school, then you have met the prerequisite and you do not have to request a waiver. If you have not taken the prerequisite course or courses but believe you nonetheless possess the requisite knowledge, you will need to request a waiver from the professor. For courses as to which you need to request a waiver, if you are registering over the summer, you may tentatively select the course. Please note, however, that you will need to get the professor’s written approval to waive the prerequisite and submit it to the Office of the Registrar before the end of the first week of classes. Waivers may be sought and obtained via e-mail. You may contact a professor by going to the “Faculty and Administration” section of www.law.georgetown.edu or by contacting our office at (202) 662-9036, which is the fastest way to reach adjunct faculty.

International Law I. Some National Security courses list *International Law I* as a prerequisite. National Security students who received their J.D. from a law school in the United States are required to have taken *International Law I* or its equivalent before matriculating in Georgetown’s Program or within their first year of the program. Students who received their basic law degree from a law school outside the United States (“international students”) must also satisfy

this prerequisite, but these students are more likely to have already taken a basic course in public international law and may seek a waiver if they have done so.

This course deals with public international law, sometimes called the law of nations. It is a prerequisite because many areas of National Security Law have international aspects and deal with sovereignty, treaties, executive agreements, and other sources of international law. Other topics include the role of non-governmental organizations and the role of international law within the U.S. legal system. The course is offered during the day in the fall and in the evening in the spring semester. Part-time students who have not previously taken this course will need to wait until the spring semester to take this course in the evening hours.

Required Course:

To obtain a Certificate in National Security Law, students must complete one of two versions of the required course, *National Security Law*. Both of these sections are offered in the fall semester only, and both are scheduled in the evening so as to accommodate part-time students. Both sections cover the roles of Congress, the President, and the Courts in National Security Law. One section is taught by Professor John Norton Moore from the University of Virginia on Friday evenings. Professor Moore both taught the first law school class in National Security Law and co-authored the first casebook on the subject. He is often credited as being the first to define the scope of this area of law. This course goes over a number of case studies of past conflicts.

The other section, *National Security Law: Current Issues*, is taught by Judge Robert Nolan Davis from the U.S. Court of Appeals for Veterans Claims. Judge Davis also has an extensive academic background, having taught a number of law schools in the U.S. and abroad. This section will focus more on current issues than on the development of the doctrines.

A student who has taken the substantial equivalent of either course during his or her J.D. program may request permission from John Stephens (jts26@law.georgetown.edu) to substitute an elective for this required course.

The Academic Bulletin sets forth all degree requirements (in addition to required courses).

Researching Your Course Selections

Students will normally begin their course selection process with the Course Schedule, either the online or print version. Find the “National Security Law Certificate Courses” section of the Course Schedule (in the April 5, 2006 print edition, the Fall Graduate Schedule begins on page 92, and the National Security courses are listed on pages 104-05. The Spring Graduate Schedule begins on page 113, and the National Security courses are on pages 127-29.) When you see a course that you are interested in, note the meeting time, any prerequisites or recommended courses, and whether the course requires an exam or a paper. You should then review the description of the course, using the online curriculum guide (http://www.law.georgetown.edu/curriculum/tab_courses.cfm). Next, you may wish to click on the name(s) of the faculty teaching the course to get an idea of their background. The Law Center’s

adjunct faculty are extremely accomplished and each brings a unique perspective to his or her subject.

Finally, some students find it helpful when selecting courses to consult student evaluations of faculty and courses that have been offered in previous years. The evaluations are available online at <http://www.law.georgetown.edu/curriculum/evaluations/>. A university NetID is required to log in and view these evaluations, and NetIDs were mailed to admitted students on or around Monday, June 5, 2006. These numerical evaluations rank faculty and courses on a number of criteria that take the form of statements like, “The instructor taught the course well.” Responses can range from 5 (the most favorable evaluation) to 1 (the least favorable evaluation). The tabulations indicate the number and percentage of enrolled students who provided responses to each question and provide an average score for each course. Hard copies of these evaluations are also available for your review at the circulation desk of the Edward Bennett Williams Law Library or in the Graduate Programs Office.

Curricular Trends and New Courses

In preparing for each new academic year, the Law Center evaluates and updates the National Security curriculum to reflect student interests and the continuously evolving nature of the practice. In developing the curriculum for 2006-07, the Law Center has added several courses that were not in the April 5, 2006 publication of the schedule of courses:

⇒ *Electronic Intelligence As A Regulated Industry: Controlling Secrecy And Power In A Democracy* (2 credit hours) Professor Joel Brenner

This course will examine the U.S. law governing foreign and domestic electronic surveillance and its relationship to the evolving technology it seeks to regulate, with emphasis on the regulation and oversight of powerful and secret intelligence institutions in a political culture that is distrustful of power and secrecy. Students will become familiar with the U.S. legal authorities that govern electronic surveillance, with the structure of the U.S. intelligence community, and with the institutional mechanisms charged with overseeing intelligence activities and protecting privacy and individual rights. Students interested in comparative analysis of intelligence oversight will have ample opportunity to pursue that interest through research projects. The course will address issues of current interest, such as the NSA surveillance program, the adequacy of current U.S. surveillance law to deal with terrorism, defense of electronic networks, and the meaning of privacy in an exhibitionist culture. Students will write a paper, with the topic to be approved by the Professor.

⇒ *Law of War Seminar* (2 credit hours) Professor James Schoettler

Surveys the law of armed conflict (LOAC) and customary international law as applied by the United States in warfare. From where does LOAC arise? What is a war crime – and who decides? What is “unnecessary suffering,” and what drives that legal determination? When does LOAC apply? Does it cover non-state actors? What are U.S. LOAC obligations, and how are they enforced? How does one distinguish illegal combatants from prisoners of war? Where do military commissions come from, and who may be tried by them? Could the atomic bombing of Nagasaki have been a war crime? Can

a superior's order constitute a defense to war crime charges? What is the U.S. position in regard to laser weapons? Land mines? Non-lethal weapons? Torture? Rendition? Reprisals? The assassination of enemy commanders? What is an illegal order, and what should a soldier do if she receives one? How may battlefield war crimes be prosecuted? Our inquiry will focus on the law applicable to the conduct of U.S. military operations in past and current conflicts, whether or not they be declared, whether they be internal or international. Although primarily focused on the law of land warfare, the law of air and naval warfare, as well as information warfare, will be considered. [Students may not receive credit for both this seminar and the International Law of Armed Conflict Seminar.] Students will write a paper.

Schedule updates:

⇒ *Law and Measures Against International Terrorism* (LAWG 977-08) had a typo in the time listing. It meets on several Saturdays in the second half of the Fall semester from 9:30 am to 11:30 **am**. The ending time mistakenly was listed as 11:30 pm earlier. Please rest assured that the class will only meet for 2 hours per session and not for 14 hours.

⇒ *Privacy Enforcement on Both Sides of the Atlantic* in the Fall semester (LAWG 799-08) will now count for two credit hours and will meet for the full 13 week semester. Previously it was a one credit course.

⇒ *War and Peace Seminar: New Thinking about the Causes of War and War Avoidance* in the Spring semester (LAWG 870 08) was not initially listed as counting towards the National Security Law Certificate, though that has been corrected. The three credit seminar does count towards the certificate.

Papers, Seminars and Writing Requirements

National Security Law Certificate students are not required to write any papers for the certificate program or the LL.M. degree. However, students are strongly encouraged to take at least one course – preferably, more than one – that will hone their legal writing skills. Clear and persuasive legal writing is the most important single ingredient for success in practice. Further, getting a paper published or winning a writing competition can be very helpful to your career. Courses that require a paper or registering for Graduate Independent Research are the two best vehicles to this end.

The Law Library website has produced a helpful guide to researching National Security Law at: http://www.ll.georgetown.edu/guides/national_security.cfm. You may find it helpful to refer to this guide when looking for a paper topic or for sources. There are also additional International Law guides on related subjects (e.g., War Crimes and the International Criminal Court here: <http://www.ll.georgetown.edu/research/index.cfm>).

Finally, the Writing Center offers a number of resources on honing your writing skills here: <http://www.law.georgetown.edu/writingcenter/>. You may also make an appointment with a senior writing fellow to discuss a paper that you are working on and get suggestions to improve clarity and organization. Both the law librarians and the Writing Center can act as a resource to help you find

an appropriate publication or writing contest for your submission. I welcome you to take some time and explore their respective websites to learn a bit about what they can offer you.

Part II: Courses Which Count Towards the Certificate

To see the Fall and Spring semester courses which count towards the certificate, go to the online curriculum guide under the “Schedules” tab, select the Fall or Spring schedule, and select National Security Law Certificate from the dropdown menu. Or click [here](#) for the fall semester and [here](#) for the spring semester. The courses are as follows:

LL.M. courses and seminars:

- Domestic Preparedness Law and Policy
- Electronic Intelligence As A Regulated Industry: Controlling Secrecy And Power In A Democracy
- Foreign Relations Law (Similar to the J.D. course “Constitutional Aspects of Foreign Affairs Seminar”)
- Global Cybercrime Law
- War and Peace - New Thinking about The Causes of War & War Avoidance
- International Criminal Law (Professor Stewart)
- The Law of 9/11 and War Crimes Prosecutions
- Law & Measures against International Terrorism
- Law of War Seminar (Professor Schoettler)
- National Security & Civil Liberties- 2 credit version (Judge Davis)
- National Security Law
- National Security & Law of the Sea
- Nuclear Non-Proliferation Law and Practice: Preventing Nuclear Terrorism
- Privacy Enforcement on Both Sides of the Atlantic
- U.S. Export Controls for National Security, Non-Proliferation and Counter-Terrorism
- U.S. and International Customs Law
- Computer Crime Seminar

J.D. courses and seminars:

- Constitutional Aspects of Foreign Affairs Seminar
- Immigration Law and Policy
- International Criminal Law (Professor Luban)
- International Law Seminar: Use of Force & Conflict Resolution
- International Law I: Introduction to International Law (This course is a prerequisite and does not count towards the ten credits in National Security Coursework that are required for the certificate.)
- Issues in Disarmament: Proliferation of Modern Weapons Seminar
- Law & Use of Force in International Relations
- Laws of Terrorism Seminar
- Law of War Seminar (Professor Solis)

Managing National Security Law
Maritime Law
National Security & Civil Liberties (not offered in 2005-2006) 3 credit version
Recourse to Force Seminar: International Law Pertaining to the Use of Force by States Individually and Collectively
Strategic Intelligence & Public Policy Seminar

Part III: Additional Courses of Interest

The titles of the courses which count towards the National Security Law Certificate tend to give a good idea of their relevance to a particular course of study. Further information can be gleaned from the course descriptions. Additional questions as to whether a particular course fits well in one's course of study or other goals can be addressed to John Stephens at jts26@law.georgetown.edu.

However, many courses which do not count towards the certificate can be vital additions to your course of study. These courses may not focus exclusively on National Security issues, but they are areas of law that can be vital to understand. Please visit the online curriculum guide for the course descriptions of any of the below courses which interest you.

Administrative Law

(3 credits, several sections offered in both semesters LAWJ 025-##)

This can be an important course to understand the decision making process of federal agencies and may be useful if you are considering either working for an agency or within the lobbying sector in the future.

Art of the Washington Lawyer

(2 credits, Spring semester, Professors Gustafson and Hope, LAWJ 111-05)

This course analyses the combined political and legal nature of disputes arising in D.C., and features guest speakers and case studies of recent disputes. This is one of the few classes at the Law Center that focuses on the role of the media in disputes.

Basic Accounting Concepts for Lawyers

(2 credits, Fall semester, Professor Wallace, LAWG 804-08)

This course is a useful adjunct to the study of money laundering and the tracing of potentially tainted financing. This covers the basics of how businesses account and present their assets, liabilities, and owner's equity. The course is designed for students with absolutely no accounting background and is taught by an accountant from the Securities and Exchange Commission.

Establishing the Rule of Law after Conflict

(2 credits, Fall semester, Professors Isser and Miller, LAWG 413-05)

This course provides perspective on how societies are rebuilt after military conflict.

Food and Drug Law Seminar

(2 credits, Fall Semester, Professor Heinzerling, LAWJ-199-01)

This course covers the regulations on our nation's food and drug supply, which have been identified as a point of security concern.

Global Health Law Seminar

(3 credits, Fall Semester, Dean Gostin, LAWJ 493-05)

This seminar focuses on the legal tools in place to respond to Global Health issues, which can include controlling the spread of pandemics or intentionally released biological agents. Students can choose to write a paper with National Security implications in this developing area.

Government Contracts

(2 credits, Spring semester, Professor Vacketta, LAWG 202-07)

A useful course or those interested in defense contracting.

Immigration, Citizenship, and Cosmopolitanism

(1 credit, Spring semester, Dean Aleinikoff, LAWG 492-08)

This course is taught by the Dean of the Law Center, who is a noted expert and author on immigration law. Dean Aleinikoff formerly served as General Counsel at the Immigration and Naturalization Service, which in late 2002 became part of the Department of Homeland Security.

Immigration Law and Policy

(3 credits, Spring Semester, Professor Schoenholtz, LAWJ 037-08)

Immigration Law is an important area. Many issues involving an individual's rights depend on their citizenship, and many security efforts focus on our country's borders.

Intellectual Property in World Trade

(3 credits, Spring semester, Professor J. Thomas, LAWG 226-08)

Intellectual property issues are important for those interested in defense contracting or export controls.

International Agreements (2 credits, Fall semester, Professor Dalton, LAWG 916-10)

This course covers contemporary treaty law, including the international law set out in the Vienna Conventions on the Law of Treaties, decisions of international tribunals, and U.S. law and practice pertaining to treaties and executive agreements. This will go into depth with some of the issues raised in International Law I, and is taught Professor Dalton, who is the Assistant Legal Adviser for Treaty Affairs in the U.S. Department of State.

International Trade Law & Regulation (2 credits, Fall semester, Professors Verrill & Brightbill, LAWG 966-10); or *International Trade Law* (3 credits, Spring semester, Professor Pauwelyn, LAWJ 488-05); or *International Trade* (3 credits, Fall Semester, Professor Jackson, LAWG 244-08).

Focusing on private international law, trade, and some customs issues, one of these courses may be of use to those considering a career in defense contracting. The modern regulation of international trade arose in the last days of World War II as a measure to, in part, help prevent international

economic obstructions that were seen as causes of war. One of these courses would be a useful addition to *U.S. and International Customs Law*, which is part of the National Security Certificate program.

Investment and Trade Laws of the Middle East

(2 credits, Fall semester, Professor Mattar, LAWG 792-08)

This course may be relevant to those interested in defense contracting. It covers many of the legal aspects of doing business in the Middle East, including contract and labor law. What is different about doing business under this legal system? Consider that under Sharia (Islamic law), charging interest is forbidden. Provisions providing for interest are, of course, quite common in the West, but this is considered usury under Sharia. Islamic law is one of the three major legal systems in the world, the other two being common law and civil law systems.

Legal Politics (2 credits, Spring semester, Professor Tramontano, LAWG 938-08)

This course looks at the role of the lawyer as a political advisor to elected U.S. and foreign government leaders. The course also examines lobbying laws.

Patent Law (3 credits, Fall semester, Professor Thomas, LAWJ 332-01)

Intellectual property issues are important for those interested in defense contracting or export controls.