

## **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 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 that do not count towards the certificate program but may prove useful.

### **Part I: Introductory Information**

#### **Academic Counseling**

To schedule an appointment to discuss courses in this area of law, please contact Ingrid Epperly at 202-662-9660 or via email at ial3@law.georgetown.edu

#### **Certificate Requirements:**

To earn the certificate, LL.M. candidates must:

1. Earn 12 specialization credits in National Security Law (listed below in Part II);
2. Take a basic course in National Security Law. *National Security Law* has been the required course for some time, but we now will allow students to substitute one of two other courses to meet this requirement. Those courses are *Managing National Security Law* and *International Law Seminar: Use of Force and Conflict Resolution*. These courses are not mutually exclusive with *National Security Law* and count towards the required 12 specialization credits;
3. Candidates must successfully complete the basic course *International Law I* during their first year at the Law Center if they have not already taken a similar course in their prior law degree. The course *International Agreements* or the course *Foreign Relations Law* will also fulfill this requirement. Contact Ingrid Epperly if you have taken prior course that you think will satisfy this requirement. *International Law I* does not count towards the 12 specialization credits, though both *International Agreements* and *Foreign Relations Law* would count towards the certificate’s 12 credit requirement.

4. Earn a cumulative minimum grade point average of “B-” in the courses that are counted toward the National Security Law Certificate’s specialization requirements.

**Required Courses:**

**International Law I** (3 credits) or **International Agreements** (2 credits) or **Foreign Relations Law** (2 credits). Certificate 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 the first year of the program. Students who received their basic law degree from a law school outside the United States must also satisfy this prerequisite, but these students are more likely to have already taken a basic course in public international law. If you have already taken a course on this topic, please email Ingrid Epperly at [ial3@law.georgetown.edu](mailto:ial3@law.georgetown.edu) so that he can note that you have met the requirement. If you have work experience or other training that you feel is the equivalent of taking this course, you may also seek a waiver of the requirement by emailing Ingrid Epperly.

- *International Law I* deals with public international law, sometimes called “the law of nations.” It is a prerequisite for many courses in this area because issues of sovereignty, treaties, executive agreements, and other sources of international law arise so frequently. Other topics include the role of non-governmental organizations and the role of international law within the U.S. legal system. Due to the limited availability of seats in the evening sections of *International Law I*, part-time students may take the course later in their studies.
- Professor Dalton’s fall course *International Agreements* covers treaties and executive agreements in depth, and also provides a sound basis for studying the relevant agreements in other courses.
- Professor Stewart and Feldman’s course *Foreign Relations Law* covers treaties and executive agreements, the act of state doctrine, separation of powers issues in foreign affairs, war powers, and customary international law.

**National Security Law, Managing National Security Law, or International Law Seminar: Use of Force and Conflict Resolution**

To obtain a Certificate in National Security Law, students must complete one of the following courses: *National Security Law* (Professor Moore), *Managing National Security Law* (Judge Baker), or *International Law Seminar: Use of Force and Conflict Resolution* (Professor Stromseth).

Each of these courses has a different focus, and should serve as a good introduction to the area of law. None of these courses is intended to completely cover the entire area of law. The courses you take to complete the certificate’s 12 specialization credits will enable you to fill in any gaps or study issues in more depth. For instance, Professor Moore’s class may not focus much on domestic preparedness issues (events such as Hurricane Katrina), but our class on Domestic Preparedness would cover the legal aspects of those issues in detail.

Students may wish to call or email me to discuss the differences between these classes. Students should also consider attending the first meeting of each class during add/drop week to find the best course for their individual needs.

*National Security Law*: This course is not mutually exclusive with *Managing National Security* or *International Law Seminar: Use of Force and Conflict Resolution*. While students are only required to take one of these three courses, taking all three courses could be beneficial. (Though some overlap would be present.) Both sections of this course deal with the respective national security roles played by the courts, the executive branch and the legislative branch. Professor John Norton Moore from the University of Virginia teaches this course 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. His course goes over a number of case studies of past conflicts, analyzes data on conflicts going back to the Peloponnesian wars, and covers both theory and practice in the area. His text has several chapters written by our other adjunct faculty here at Georgetown Law, such as those on export controls, treaties, and nuclear non-proliferation.

*Managing National Security Law*: This course is taught by Judge James Baker, who sits on the Court of Appeals for the Armed Forces. Judge Baker previously served as Special Assistant to the President and Legal Adviser to the National Security Council (NSC) (1997-2000), where he advised the President, the National Security Advisor and the NSC staff on U.S. and international law involving national security. Judge Baker also spent some of his career working on the hill and in the state department. His course also spends some time on the constitutional division of powers between the three branches of government, and then moves on to cover intelligence law, the use of force, and homeland security issues. He sometimes spends a few weeks leading the class through exercises intended to simulate being a participant in a National Security Council meeting. This afternoon course is offered as part of the J.D. programs, so LL.M. seating is quite limited. The course is sometimes offered as part of the summer curriculum. This course is not mutually exclusive with *National Security Law* or *International Law Seminar: Use of Force and Conflict Resolution*. While students are only required to take one of these three courses, taking all three courses could be beneficial. (Though some overlap would be present.)

*International Law Seminar: Use of Force and Conflict Resolution*: This course is taught by Professor Jane Stromseth. She is a former Rhodes Scholar who had extensive experience in the government prior to entering academia, both at the National Security Council and at the State Department. As the title implies, this spring semester seminar is much more geared towards an in-depth study of the use of force than it is towards intelligence law, homeland security, non-proliferation issues, etc. Again, this is a J.D. seminar, and LL.M. seating is quite limited. This course is not mutually exclusive with *National Security Law* or *Managing National Security*. While students are only required to take one of these three courses, taking two or three of these courses could be beneficial. (Though some overlap would be present.)

A student who has taken the substantial equivalent of one of the above courses or International Law I during their J.D. program may request permission from Ingrid Epperly(ial3@law.georgetown.edu) to obtain a waiver or to note that the requirement has already been fulfilled. In that case, the student would still be required to complete 12 specialization credits in national security law.

The Academic Bulletin sets forth additional degree requirements (in addition to the certificate requirements).

### **Researching Your Course Selections**

Students will normally begin their course selection process with the Course Schedule. 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 pay attention to how many seminars you have.<sup>1</sup> You should then review the description of the course, using the online curriculum guide ([http://www.law.georgetown.edu/curriculum/tab\\_courses.cfm](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. It may be that the faculty have had work experience in an organization in which you are interested.

Past exams can also give you an idea of what the faculty expected past students to get out of the course. Those can be viewed here: <http://141.161.38.45/screens/exams.html> A GO card number is required to log in, which you may not receive until orientation. Students will have several opportunities to alter their schedule during the add/drop week in early September.

Finally, some students find it helpful 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 in the first half of June. 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.

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<sup>1</sup> Since some faculty teaching seminars will allow students to receive an extension on the due date of several weeks, it can be beneficial for a full-time student to take a seminar in the fall to ease the deadline pressure during the exam period. Students interested in this should approach faculty prior to the start of the semester to determine their extension policy. However, graduating students cannot get an extension in the spring semester and must turn in their papers prior to non-graduating students.

## **Course Prerequisites**

*In General.* Some National Security courses list one or more courses as prerequisites. International Law I is the most common prerequisite. If you have taken the listed course at Georgetown or an equivalent course at another law school, then you have met the prerequisite and you do not have to request a waiver. If you have trouble registering, please contact the Registrar's Office ASAP at [lawreg@law.georgetown.edu](mailto:lawreg@law.georgetown.edu) and ask for their help in registering. If you have not taken the prerequisite course or courses but believe you nonetheless possess the requisite knowledge, you may need to request a waiver from the professor.

In some cases you will need to request a waiver even if you have already taken the prerequisite at another school. Our registration system is not aware of courses you took at other institutions and will not always recognize that you have a pre-requisite. This generally occurs with J.D. courses that are not cross-listed with the LL.M. programs. J.D. courses are designated solely with a LAWJ prefix and do not have a matching section with a LAWG prefix. When registering over the summer, you may tentatively select such a 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](http://www.law.georgetown.edu) or by contacting our office at (202) 662-9036. If you are trying to reach an adjunct faculty, it is often faster to call our office as they sometimes do not put their contact information on our website.

## **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 for this

The Law Library website has produced a helpful guide to researching National Security Law issues at: [http://www.ll.georgetown.edu/guides/national\\_security.cfm](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>).

All international students who did not participate in the Foundations of American Law program are required to complete the course, U.S. Legal Discourse I, unless this requirement has been waived, in writing, by an international student advisor from the Office of Graduate Programs. Waivers will be granted only in exceptional circumstances.

**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. Here is the link:  
[http://www.law.georgetown.edu/curriculum/tab\\_schedules.cfm](http://www.law.georgetown.edu/curriculum/tab_schedules.cfm)

**NATIONAL SECURITY LAW CERTIFICATE**

The following courses count towards the required number of specialization credits for students pursuing a certificate in National Security Law.

Fall 2009	Spring 2010
<p> <a href="#">Computer Crime Seminar</a>  <a href="#">Constitutional Aspects of Foreign Affairs Seminar</a>  <a href="#">Data Privacy in the U.S. and E.U.</a>  <a href="#">Domestic Preparedness Law and Policy</a>  <a href="#">Foreign Relations Law</a>  <a href="#">Graduate Independent Research</a>  <a href="#">International Agreements</a>  <a href="#">International Courts and Tribunals: An Introduction</a>  <a href="#">International Civil Society Law Seminar</a>  <a href="#">International Law I: Intro to International Law</a>  <a href="#">Law and Measures Against International Terrorism</a>  <a href="#">Law of War Seminar</a>  <a href="#">Managing National Security</a>  <a href="#">Maritime Law</a>  <a href="#">National Security Law</a>  <a href="#">Refugee Law &amp; Policy</a>  <a href="#">Rule of Law and the Administration of Justice</a>  <a href="#">U.S. Export Controls for National Security, Non-proliferation and Counter-Terrorism</a>  <a href="#">War Crimes Prosecutions</a> </p> <p> <b><i>J.D. course in the area of National Security Law:</i></b>  <i>If space is available, these courses may be taken for National Security Law course credit, except as noted.</i>            Foreign Relations Law Colloquium         </p>	<p> <a href="#">Contemporary Peacekeeping: Legality, Legitimacy &amp; Accountability</a>  <a href="#">Current Issues in National Security and Civil Liberties Seminar</a>  <a href="#">Federal Appropriations Law, Process, and Application in Today's Legislative Environment</a>  <a href="#">Global Cybercrime Law</a>  <a href="#">Graduate Independent Research</a>  <a href="#">Immigration Law and Policy</a>  <a href="#">Immunity Under International Law</a>  <a href="#">International Criminal Law</a>  <a href="#">International Criminal Tribunals</a>  <a href="#">International Economic Crime and Corruption</a>  <a href="#">International Law Seminar: Use of Force and Conflict Resolution</a>  <a href="#">Issues in Disarmament: Proliferation and Terrorism Seminar</a>  <a href="#">Law of War Seminar</a>  <a href="#">Nation Building and the Rule of Law Seminar</a>  <a href="#">National Security &amp; the Law of the Sea</a>  <a href="#">National Security Law</a>  <a href="#">National Security Investigations and Litigation</a>  <a href="#">National Security and the Private Sector</a>  <a href="#">Nuclear Non-Proliferation Law: Preventing Nuclear Terrorism</a>  <a href="#">Refugees and Humanitarian Emergencies: Advanced Research Seminar</a>  <a href="#">Strategic Intelligence and Public Policy Seminar</a>  <a href="#">U.S. and International Customs Law</a>  <a href="#">War and Peace Seminar: New Thinking about the Causes of War and War Avoidance</a> </p>

**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 Ingrid Epperly at [ial3@law.georgetown.edu](mailto:ial3@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 are related. I thought it useful to highlight some other courses that you might not otherwise think of taking. 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 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.

#### *Anti-Corruption Laws and Enforcement Mechanisms - An International Approach.*

(2 credits, spring semester, Professor Fredericks, LAWG 834-08)

Professor Fredericks' course deals with the U.S. ethics rules for government officials and then compares them to other government's standards, which is useful if you ever need to deal with foreign government officials in your practice. Another two courses which deal with the U.S. ethics rules would be *Legal Politics* and *Government Ethics Law: Scandal & Reform*.

#### *Art and Cultural Property Law Seminar: Indiana Jones and the Elgin Marbles*

(2 credits, Spring Semester, Professor Fitzpatrick, LAW 047-05)

Past offerings of this course examined the issues that arose in the second Iraq war when the military sought to avoid targeting thousands of cultural and historical sites and to prevent looting of cultural sites such as the Iraqi museum.

#### *Basic Accounting Concepts for Lawyers*

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

This course is a useful beginning point to those attorneys who may need to work with accountants in looking at money laundering, the tracing of potentially tainted financing, or Foreign Corrupt Practices Act issues. While this course does not cover the aforementioned issues, it is a useful adjunct to studying those topics. The course covers the basics of how publicly traded companies account for and present their assets, liabilities, and owner's equity to the SEC and investors. Students learn how to record typical transactions and how those transactions affect the three main financial statements. The course is designed for students with absolutely no accounting background and is taught by an CPA in private practice who spent many years at the SEC resolving complex accounting issues, working alongside attorneys and training CPAs at the Commission. Professors Fred Murray, William Bratton, and Khinda and Estabrook all teach other types of financial

accounting courses, and each is a little different in focus. We also offer courses in *Income Tax Accounting*, which focus on the timing of income recognition as far as the IRS is concerned.

#### *Crisis Communications Law*

(2 credits, Spring Semester, Professor O'Connor, LAWG 981-08)

This course will examine the role of a private-sector lawyer during client crises; anticipating crises and exploring the anatomy of crises; how to investigate facts, develop messages, and communicate messages in a crisis; the nature of media today and how the news cycle works inside media outlets; the art and science of rapid response; and the legal and ethical issues raised by lawyers dealing with the media. Members of the media will occasionally join the class as guests. Professor O'Connor is an attorney, a Georgetown alum, and a former journalist. She spent 24 years in journalism, including time spent as CNN's bureau chief in Moscow and a white house correspondent during the Clinton years.

#### *Environmental Law*

(3 credits, Fall Semester, Professor Donahue, LAWJ 146-07)

Environmental issues can come up in the operational context in both a planning and compliance, and which laws or executive orders, DoD Directives, and Regulations and Instructions of the Armed Services apply in an extraterritorial context. This course will cover the domestic regulation at the state and federal level, including NEPA, the National Environmental Policy Act. While the course will not be taught from a military or national security perspective, this background can be useful in understanding the "NEPA-like" rules created in Exec. Order No. 12114 which govern the military.<sup>2</sup> NEPA could apply to the extent that actions taken outside the U.S. have an environmental impact in the U.S. Attorneys who advise defense contractors would likewise be interested in the domestic laws and regulations regarding environmental concerns.

#### *Global Health Law*

(4 credits, Fall Semester, Professor Taylor, LAWG 493-08)

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. Past students have noted ties between these issues, failed states, and the root conditions which drive membership for terrorist organizations.

#### *Government Contracts*

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

A useful course or those interested in defense contracting.

#### *Government Ethics Law: Scandal & Reform*

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<sup>2</sup> For further information, see Operational Law Handbook, pages 224-29 (Maj. Derek I. Grimes *et al.* Eds. 2006) at

[https://www.jagcnet.army.mil/JAGCNETInternet/Homepages/AC/FiscalLaw.nsf/\(JAGCNetDocID\)/8BB6FE506E7256E48525712C0050FFE9/\\$FILE/2006%20Operational%20Law%20Handbook.pdf](https://www.jagcnet.army.mil/JAGCNETInternet/Homepages/AC/FiscalLaw.nsf/(JAGCNetDocID)/8BB6FE506E7256E48525712C0050FFE9/$FILE/2006%20Operational%20Law%20Handbook.pdf)

(2 credits, Spring semester, Professors Rizzi and Smeltzer, LAWG 376-05)

Covers the regulation of executive branch political appointees, members of congress, judges, and related staff. Those employed in the public sector may appreciate this class. Contrast this course with that of Professor Barbara Fredericks, entitled *Anti-Corruption Laws and Enforcement Mechanisms - An International Approach*. Professor Fredericks course deals with the U.S. rules and then compares them to other government's standards, which is useful if you plan on dealing with foreign government officials in your practice. *Legal Politics* also covers the domestic U.S. side of this topic, as it focuses on lobbying rules and advising elected officials.

#### *Immigration Law and Policy*

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

Unlike the other courses I list here, this course does count towards the specialization credits of the certificate. However, I thought it worthwhile to highlight that immigration law is an important area of study. Many domestic security issues turn on citizenship and many security efforts focus on our country's borders. Many of the legal issues that arise when dealing with non-state actors hinge on issues which are explored in the context of the U.S. laws on citizenship and immigration.

#### *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 Senior Adviser on Treaty Practice in the U.S. Department of State.

#### *International Banking in the United States*

(1 credit, Spring semester, Professor Bellini, LAWG 914-08)

The course will examine the supervision and enforcement scheme that the U.S. government applies to foreign banks and assess the evolving regulatory standards that apply to them, including capital standards under the new international Basel Capital Accord and regulatory requirements imposed by the USA PATRIOT Act of 2001.

*International Trade Law & Regulation* (2 credits, Fall semester, Professors Verrill & Brightbill, LAWG 966-10); or *International Trade* (3 credits, Fall Semester, Professor Jackson, LAWG 244-08); or *International Trade* (3 credits, Spring Semester, Professor Santos, 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. Professor Mattar's course 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, with the other two being the 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. Related courses are *Government Ethics Law: Scandal & Reform* and *Anti-Corruption Laws and Enforcement Mechanisms - An International Approach*.

*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.