



## GEORGETOWN UNIVERSITY LAW CENTER

Carol Q. O'Neil  
Associate Dean

October 2008

Dear First Year Students in Sections 1, 2, and 4:

An important part of the first-year curriculum is the spring semester first-year elective. These courses fall into two broad categories. The first is courses that will introduce you to statutory and regulatory law, which is a prominent source of law for lawyers practicing today. These courses include two sections of Lawmaking and one section of The Regulatory and Administrative State. The second category of courses is international, comparative, and transnational law. Your choices in this category are designed to introduce you to the evolving international, comparative, and transnational nature of legal practice today. The courses available to you this spring are International Criminal Law, International Law I, and Transnational Law. You have a superb line up of courses and teachers to choose from.

In order to assist you in making your choice, the enclosed registration packet was prepared. It contains the course descriptions, and if available, a current or recent course syllabus. Please note that full time students may enroll in one of the two first-year electives offered in the part time division in the spring semester on a space available basis (course descriptions are included in the enclosed registration packet). Consult the enclosed information from the Office of the Registrar for instructions on how to put yourself on the wait list for the evening sections.

### REGISTRATION SCHEDULE

Wednesday, October 29, 2008 3:30-5:00 p.m.	Faculty Panel on first year electives
Tuesday, November 4 by 5:00 p.m.	Registration forms are due at the Office of the Registrar
Tuesday, November 18 by 5:00 p.m.	Registration results available on Student Access+
January 12 - 21, 2009	Add/Drop activity for available elective seats
Wednesday, January 21, 2009 by 5:00 p.m.	First year elective registration is final

Sincerely,

Carol Q. O'Neil  
Associate Dean

**GEORGETOWN LAW**  
**Perspective Electives 2008 – 2009**

**International Criminal Law (LAWJ-790-50)**

**Three Semester Hours**

International criminal law includes both the application of a nation's criminal law to conduct committed abroad, and the law governing international crimes (such as genocide) and tribunals like the International Criminal Court. The course has four aims: (1) to introduce students to basic international law concepts (customary and conventional law, theories of transnational jurisdiction, the role of international law in domestic courts); (2) likewise, to introduce students to basic concepts of criminal liability (the principle of legality, mens rea, command and accomplice liability, defenses); (3) to examine the law governing international crimes against human rights – genocide, crimes against humanity, torture – and the international tribunals that apply it (Nuremberg, former Yugoslavia, Rwanda, and the International Criminal Court); and (4) to examine the application of U.S. criminal law to conduct committed abroad – we will focus on torture and, if time permits, terrorism, as well as the law of extradition and immunity.

*[Students may not receive credit for both this course and the graduate course with the same title; or the International Criminal Law and War Crimes Seminar or the J.D. upperclass course by the same title or International Criminal Law Seminar: Tribunals and Crimes or International Humanitarian Law and International Criminal Courts.]*

**Professor Luban**

**MW 11:10 a.m. – 12:35 p.m.**

**International Law I: Introduction to International Law (LAWJ-235-50)**

**Three Semester Hours**

This course deals with the nature, sources and operation of international law, with some of the major modern challenges to the international legal system, and with the international community's ongoing responses to those challenges. It includes an introductory survey of a wide range of topics such as the law governing treaties and other international agreements; the recognition of states and governments; litigation in the International Court of Justice and other methods of resolving international disputes; the United Nations and other international and regional entities; human rights; the role of international law in the U.S. legal system and the allocation of foreign affairs powers between the President, the Congress, and the Judiciary; and jurisdiction, foreign sovereign immunity and the act of state doctrine. The course also includes a more detailed examination of a few of the most pressing illustrations of the operation – or failure to operate – of the international legal system, such as the law of the sea and the use of military force. *[Students may not receive credit for this course and the upperclass course by the same title or the perspective elective, Transnational Law.]*

**Professor Koplow**

**MW 11:10 a.m. – 12:35 p.m.**

**Lawmaking: Introduction to Statutory and Regulatory Interpretation (LAWJ-023-50 Mezey and LAWJ-023-51 Lederman)**

**Three Semester Hours**

In the first year curriculum, you are taught to “think like a lawyer.” Because of the predominance of common-law subjects in your first year (such as contracts, torts and property), this means you are taught to think like a “common-law lawyer.” And you are being taught to think this way at the same time that you are learning the doctrine in those courses. In your second and third years, you will spend much more time learning to think like a “statutory lawyer.” The focus on statutory courses in the upper curriculum makes sense. The modern legal system and modern legal practice overwhelmingly depend on laws enacted by legislatures and agencies. These public laws define almost every aspect of our lives. Therefore, in legal practice you will deal much more with statutes and regulations than you will deal with common law -- no matter what area of law you practice in.

In most upper-level courses, however, you will be focusing on learning the doctrinal substance of the particular area of law, rather than learning the techniques of statutory and regulatory interpretation generally. By contrast, this course is, in part, about the process and techniques of statutory and regulatory interpretation. We will not focus on the doctrine of any specific type of law in this class; instead you will learn the theory and practice of interpretation,

including how to read a statutory text with care, how to diagnose the interpretive problem in the text, and how to address that problem using the tools developed and debated by courts and legal scholars. You will also learn to recognize the theoretical commitments that motivate different judicial approaches to statutory and regulatory interpretation. More broadly, this course will provide you with an understanding of how legislation and regulations are created and on the ways in which power is shared in the making of law between legislatures, agencies and courts.

This course is excellent preparation for summer legal work, for upper-level courses that rely extensively on statutory law (such as tax, securities, environmental law, labor law, copyright law, etc.), and for legal practice after graduation. *[Students may not receive credit for both this course and the upperclass course, Legislation; or the upperclass course, Legislation and Statutory Interpretation.]*

**Professors Lederman, Mezey**  
**MW 11:10 a.m. – 12:35 p.m.**

### **The Regulatory and Administrative State (LAWJ-375-50)**

#### **Three Semester Hours**

Focusing on risks to human life and health, especially environmental risks, this course examines the various instruments the legal system has to deal with social problems. It seeks to identify the advantages and disadvantages of each instrument as a means of dealing with social problems and to provide students with an understanding of why one rather than another instrument is chosen. Examples of such instruments are contract and tort law, traditional criminal law, regulatory regimes creating health-based standards, and pollution trading schemes. The course also introduces students to statutory interpretation, to the creation and current operation of the administrative state, and to legal controls on the decisions of administrative agencies.

This course is in all material respects the same as the “Government Processes” course that has been taught by Professor Heinzerling in section 3 for the past nine years.

Note: This course will meet 15 extra minutes to make up for cancelled classes on February 2, 4, 9, and 11.

**Professor Heinzerling**  
**MW 11:10 a.m. – 12:50 p.m.**

### **Transnational Law (LAWJ-480-50)**

#### **Three Semester Hours**

This course introduces students to the varieties of contemporary legal problems that extend beyond the legal system of any single nation. Like International Law I, it prepares students for advanced international law courses. However, it differs from International Law I in three salient respects. First, it deemphasizes the traditional distinction between “public” and “private” international law. While it covers subjects long considered the core of “public” international law – that is, the nature and sources of law governing relationships among states – it also includes economic, regulatory, and other topics that involve private actors operating across national boundaries. Second, and related to the first difference, it allows students to explore transnational legal issues from multiple private practice and government perspectives, as well as the traditional view of a lawyer for the State Department or a foreign ministry. Third, it takes a problem-oriented approach to transnational legal issues. That is, it will be taught principally through case studies of actual problems that have been, or are being, faced internationally by governments or private actors. *[Students may not receive credit for this course and International Law I: Introduction to International Law.]*

**Professor Tarullo**  
**MW 11:10 a.m. – 12:35 p.m.**

## Evening Electives

Please note that full time students may enroll in one of the two perspective electives offered in the part time division in the spring semester on a space available basis. Consult the enclosed information from the Office of the Registrar for instructions on how to put yourself on the wait list for the evening sections.

### **Foreign Relations Law (LAWJ-089-70)**

#### **Three Semester Hours**

This course addresses the constitutional issues that arise in the conduct of U.S. foreign relations. Topics include: Congress' power to legislate with respect to foreign relations; the respective roles of the President and Congress in initiating and conducting war and other uses of force; the President's power to conduct diplomatic relations; the scope of the power to make and enforce treaties and other international agreements; the status of treaties and customary international law as United States law; the role of the States in foreign relations; and the role of the courts in foreign relations. *[Students may not receive credit for this course and the J.D. upperclass course, Constitutional Aspects of Foreign Affairs Seminar, or the graduate course, Foreign Relations Law.]*

**Professor Vázquez**  
**Monday, 5:45 p.m. – 8:50 p.m.**

### **Lawmaking: Introduction to Statutory and Regulatory Interpretation (LAWJ-023-70)**

#### **Three Semester Hours**

In the first year curriculum, you are taught to “think like a lawyer.” Because of the predominance of common-law subjects in your first year (such as contracts, torts and property), this means you are taught to think like a “common-law lawyer.” And you are being taught to think this way at the same time that you are also trying to learn the doctrine in those particular areas.

In your second and third years, you will continue to learn to think like a lawyer, but this time, like a “statutory lawyer.” The focus on statutory courses in the upper curriculum makes sense. In real-life legal practice, you will deal much more with statutes and regulations than you will deal with common law -- no matter what area of law you practice in. But in these courses, you will again be focusing on learning the doctrinal substance of the particular area of law, rather than learning the technique of statutory and regulatory interpretation generally

This course is about process and technique and is probably the best ground-level course you will take. You will not learn the doctrine of any specific type of law in this class. You will learn the process of how to approach a piece of statutory text, how to diagnose the interpretive problem in the text, and how to answer that problem. You will practice the observant reading of text; you will get a framework for breaking down and thinking about a legal question in any case; and you will practice deploying interpretive tools to answer a question in the way that best “zealously advocates” for your client. This course will prepare you for a first summer of legal work, as well as for upper-level courses that rely extensively on statutory law (such as tax, securities, environmental law, labor law, copyright law, etc.)

The course has three overall goals:

- 1) Provide you with an understanding of the power relationships between legislatures, courts, and agencies. The course will include some basic information on how legislation and regulations get created and on the ways in which power is shared in the “making of law” in this country between legislatures, agencies and courts.
- 2) Teach you the toolkit of statutory interpretation so you can diagnose any interpretation question and bring the right tools to bear on answering that question. The guts of this course will lie in learning the toolkit of statutory interpretation, including Text; Canons; Purpose; and Deference to Agencies. By unpacking and analyzing the tools used by courts in various decisions, you will learn how to wield these tools yourself in order to reach different results. For example, you will learn how to use Purpose to deal with what appears to be plain Text or how to use the plain meaning of Text to challenge what appears to be a contrary, clear Purpose.

3) Expose you to the theoretical debates around statutory interpretation. The tools that a judge chooses to use from the statutory interpretation toolkit will depend on the judge's theoretical position on statutory interpretation. A textualist judge will use the tools of Text, Canons, and Deference to Agencies, but rarely the tools of Purpose. Legal process judges will use all of the above tools, as well as the range of Purpose tools. Starting with materials that will frame the theoretical debate early in the semester, you will return periodically to questions about statutory interpretation theory as you become more proficient in the toolkit.

*[Students may not receive credit for both this course and the upperclass course, Legislation; or the upperclass course, Legislation and Statutory Interpretation.]*

**Professor Westmoreland**  
**Tuesdays and B-week\*\* Thursdays, 5:45 p.m. – 7:45 p.m.**

**\*\*B-week Thursdays meet:** 1/22, 2/5, 2/26, 3/19, 4/2, 4/9, 4/25. Note: The final class for "B" week Thursdays is Saturday, 4/25 from 9:30 a.m. - 11:30 a.m.

**International Criminal Law  
(Professor Luban)**

**[Note: This syllabus is for an upper-level version of the course. The first-year elective will cover most of the same material, but with more classes on the basics of international law, and cuts in some of the other material. I haven't yet decided which of the other material to omit.]**

**INTERNATIONAL CRIMINAL LAW  
Fall 2007**

Professor David Luban  
Room 434  
x9806  
luband@law.georgetown.edu  
Office hours: Tuesday 2-3 or by appointment

**Required Texts:**

1. DAVID LUBAN, JULIE R. O'SULLIVAN, DAVID P. STEWART, INTERNATIONAL AND TRANSNATIONAL CRIMINAL LAW (Aspen Publishing, forthcoming). These materials are draft chapters of a textbook currently under preparation.
2. PHILIP GOUREVITCH, WE WISH TO INFORM YOU THAT TOMORROW WE WILL BE KILLED WITH OUR FAMILIES (1998)

**Expectations & Office Hours**

1. **I EXPECT YOU TO BE PREPARED FOR CLASS.**
2. **I EXPECT TO SEE YOU IN CLASS.** If circumstances require you to miss several classes, please let me know via e-mail. Otherwise I worry.
3. **I EXPECT TO HEAR FROM YOU IN CLASS.** It relieves the monotony of me blabbing on forever. I welcome volunteers to answer questions, to ask questions, or to participate in discussions. In addition, two students will be "on call" for each class to kick off discussion of cases, or when no-one has volunteered, or when the same handful of people are the only volunteers.
4. At the conclusion of the semester, I will give a three-hour, open-book, open-notes final examination. No internet, though.

**TENTATIVE SCHEDULE**

Although I have offered this course before, I've discovered that the pace differs from class to class, partly because the course materials – which are a work in progress – change from year to year. For this reason, the pace at which we should move is a bit unclear at the moment. As I see how long each unit takes, I will make changes in the syllabus. So the schedule that follows is subject to revision.

**1. Thursday, Sept. 6: Introduction**

Readings:  
Chapter 1

**2. Monday, Sept. 10: International Law Basics: Review Class**

Readings:  
Skim Chapter 2 to see what parts of it are new to you; bring your questions to class.

NOTE: Because I celebrate the Jewish new year on Thursday, Sept. 13, I am rescheduling that class for Wednesday, Sept. 12, from 4 - 5:15.

**3. Wednesday, Sept. 12: Jurisdiction (1): Extraterritorial Application of U.S. Statutes; International Jurisdiction**

Readings:  
Chapter 5, pp. 1-19; 25-29.

**4. Monday, Sept. 17: Jurisdiction (2): The Territorial Principle**

Readings:  
Chapter 5, pp. 29-57.

**5. Thursday, Sept. 20: Jurisdiction (3): Nationality, Passive Personality, and Protective Principles**

Readings:  
Chapter 5, pp. 58-79.

**6. Monday, Sept. 24: Jurisdiction (4): Universal Jurisdiction**

Readings:  
Chapter 5, pp. 80-110.

**7. Thursday, Sept. 27: Catch-up and review**

Readings:  
No new readings; prepare to discuss Problem 1 of Chapter 5 (p. 2).

**8. Monday, Oct. 1: Transnational Immunity (1): The Pinochet Case**

Readings:

- Chapter 10, pp. 11-35.
- 9. Thursday, Oct. 4: Transnational Immunity (2): The Arrest Warrants Case; the Taylor Case**
- Readings:  
Chapter 10, pp. 35-55.
- 10. Tuesday, Oct. 9: International Tribunals (1): Nuremberg and Tokyo**
- Readings:  
Chapter 3, pp. 1-35.
- 11. Thursday, Oct. 11: International Tribunals (2): ICTY, ICTR, and the Special Tribunals**
- Readings:  
Chapter 3, pp. 36 (introductory ¶); 40-51; 57-84.
- 12. Monday, Oct. 15: The ICC (1)**
- Readings:  
Chapter 17, pp. 1-38.
- 13. Thursday, Oct. 18: The ICC (2)**
- Readings:  
Chapter 17, pp. 38-77.
- 14. Monday, Oct. 22: Crimes Against Humanity (1)**
- Readings:  
Chapter 19, pp. 1-12. Prepare to respond to the problems on pp. 11-12.
- 15. Thursday, Oct. 25: Crimes Against Humanity (2)**
- Readings:  
Chapter 19, pp. 12-43.
- 16. Monday, Oct. 29: Genocide (1): The Elements; Darfur**
- Readings:  
Chapter 20, pp. 1-12; 15-23; 30-49.
- 17. Thursday, Nov. 1: Genocide (2): The Case of Rwanda**

Readings:  
Gourevitch (all).

**18. Monday, Nov. 5: Genocide (3): Is Law the Answer to Catastrophe?**

Readings:  
No additional reading.

**19. Thursday, Nov. 8: Genocide (4): Incitement; State Responsibility**

Readings:  
Chapter 20, pp. 49-66.

**20. Monday, Nov. 12: Torture (1)**

Readings:  
Chapter 21, pages to be assigned.

**21. Thursday, Nov. 15: Torture (2)**

Readings:  
Chapter 21, pages to be assigned.

**22. Monday, Nov. 19: Blackwater** [note: this class was added at the last minute because the possible Blackwater prosecution was in the news]

Readings:  
Handout.

**THANKSGIVING BREAK – NO CLASS ON WEDNESDAY**

**23. Monday, Nov. 26: Extradition**

Readings:  
Chapter 8, pages to be assigned.

**24. Thursday, Nov. 29: Modes of Participation: Low-Level Participants (1)**

Readings:  
Chapter 18, pp. 1-31; Problems on 42-43.

**25. Monday, Dec. 3: Modes of Participation: Low-Level Participants (2)**

Readings:

Chapter 18, pp. 53-70.

**26. Thursday, Dec. 6: Modes of Participation: Command Responsibility**

Readings:

Chapter 18, pp. 74-98.

**International Law I: Introduction to  
International Law  
(Professor Koplow)**

International Law I:  
Introduction to International Law  
1L Perspective Course  
Spring 2009  
Prof. David A. Koplow

This course is basically identical to the version of International Law I that will be offered to second- and third-year students in multiple sections next year; it therefore provides you an opportunity to jump into this fascinating subject area even earlier than usual.

At Georgetown, we've structured the study of international law by offering two threshold courses: IL1 covers essentially "public" international law topics (i.e., issues that arise on a state-to-state basis, such as treaties, diplomatic recognition, statehood, the United Nations, and human rights) and IL2 covers "private" international law (i.e., international trade, investment, and finance, including business dealings between private entities where a national border is crossed).

The Georgetown Law curriculum includes a vast array of international and comparative law course offerings every year; we hope you will find many of them of interest. Most of them do not define IL1 or IL2 as prerequisites, but for many of them, a familiarity with the background or introductory issues will be a benefit as you approach the more advanced or specialized topics.

IL1 is therefore a survey – with all the advantages and disadvantages of that approach. We will address a very large number of topics, and try to give you at least an initial grounding in many of the issues that you will encounter in later courses or in practice. On the other hand, we will not be able, in this semester, to pursue any of those topics in satisfying depth – we have to move so fast that any effort to delve into the most sophisticated sub-issues will have to be deferred for other courses.

Attached is the syllabus that I used last spring in teaching this course. I haven't yet finalized the syllabus for next spring, but the chances are that it will look a lot like this – at least that the major topics, and the questions about each, are not likely to change too much.

This course is offered as a 1L perspective not merely to enable you to cross the threshold into international law topics sooner; we also hope that it will be sufficiently different from your other first year courses as to provoke you in helpful ways. At the very least, careful consideration of the international perspective on law will contrast with your other courses' concentration on the U.S. legal system and rules. As we consider international institutions (e.g., the United Nations, the International Court of Justice) we'll see that they are, in some ways, similar to the legislative, judicial, and executive branches of the American

federal government – but there are also some noteworthy differences, which may help increase your understanding of what is important and unique about our domestic arrangements. In a similar way, our IL1 study of treaties may shed light on your assessment of domestic lawmaking tools such as statutes and contracts, which are somewhat – but only somewhat – like treaties. Questions about the enforcement of international law – how can a system operate without the trappings of a vigorous police force that are so central to our internal national law? – may shed useful light on the implementation and enforcement of U.S. law, too. Finally, the fundamental question of whether international law is really “law” in the same sense as the term “law” is used in your other 1L courses may open up the larger inquiry into the nature of law in domestic contexts, too.

I hope you find the course interesting, challenging, and provocative, and I look forward to seeing you in class next January!

SYLLABUS  
International Law I:  
Introduction to International Law  
1L Perspective Elective  
Spring, 2008

Part I.        Introduction: The Nature and Scope of International Law

1.        Monday, January 14:

**Introduction to the Course and the Topic**

- What is international law? How powerful is it?
- What are the key issues to address in the study of IL?
- How does IL compare to domestic U.S. law?
- How far should U.S. law reach into foreign activities?

Text: 242-252  
Course Mat.: 1

Part II.        The Sources and Institutions of International Law

- Where does international law come from?
- What is the role of "consent" in creating IL?
- How does IL operate in the real world?
- How effective is IL in altering the actions of states?

2.        Wednesday, January 16:

**Sources of International Law**

- What does the Statute of the ICJ identify as the leading sources of IL?
- How does the IL claims process work?
- What alternate dispute resolution processes exist in IL?
- What are the enforcement mechanisms for IL judgments?

Text: 1-25  
Course Mat.: 2-19

3. Wednesday, January 23:  
(Skip Mon. Jan. 21 – ML King Holiday)  
**International Adjudication in the ICJ and Other Courts**

- How does the ICJ operate? How effective has it been?
- What has been the US relationship to the ICJ?
- How well does the ICJ deal with contemporary crises?
- What other international judicial tribunals exist?
- How can international adjudication be strengthened?

Text: 298-323, 329-337  
Doc. Supp.: 28-47  
Course Mat.: 20-33

4-5. Monday, January 28 and Wednesday, January 30:  
**International Agreements**

- What role do treaties play in international life?
- How are treaties formed, interpreted, and enforced?
- What happens in the event of a breach?
- How do reservations operate?
- What role have treaties played in creating and shaping the European Union?

Text: 93-120, 520-539  
Doc. Supp.: 49-75, 207-224  
Course Mat.: 34-52

6. Monday, February 4:  
**U.S. Treaty Law**

- What are the "hierarchies" among treaties, statutes, and constitutions under both US law and IL?
- How is authority for international affairs allocated among the branches of the federal government?
- What are the respective roles of the states and federal government regarding international agreements?
- What is the difference between a "treaty" and an "executive agreement"?
- When is an agreement "self-executing"?

Text: 159-172, 180-189, 201-206  
Course Mat.: 53-70

7. Wednesday, February 6:  
**Custom and Other Sources of International Law**

- How does a custom become binding on states?
- How may a state opt out of a norm of CIL?
- What is the effect of CIL inside the U.S.?
- What is jus cogens, and how does it operate?
- What are the other sources of international law and near-law?

Text: 120-137, 151-155, 239-242, 267-269  
Course Mat.: 71-82

8. Monday, February 11:  
**International Organizations**

- What role does the U.N. play in international life?
- Will the post-cold war future of the U.N. be any different?
- What is, and should be, the US role in the U.N.?
- What other supra-national organizations operate?
- What will be the role of NGOs in the future?

Text: 478-502, 517-520  
Doc. Supp.: 1-27  
Course Mat.: 83-103

9. Wednesday, February 13:  
**Interim Assessment: Is International Law Really "Law"?**

- How does IL compare with domestic law on key operational variables?
- What are the principal theories about international law?
- How much does IL really matter in the world of politics?
- In what direction is the IL system heading?

Text: 25-35, 44-63  
Course Mat.: 104-109

Part III. The Participants in the IL System

- Who are the key players active in the IL system?
- How has IL evolved to embrace additional relevant actors?
- What status and rights will each participant enjoy?

10-11. Thursday, February 21 and Monday, February 25:  
(Skip Mon. Feb. 18 – President's Day and Wed. Feb. 20 – Faculty Retreat)  
(Monday classes meet instead of Thursday classes on Feb. 21)  
**States**

- What are the defining characteristics of a state?
- How does the definition apply to contemporary close cases?
- What are the principles of state succession?
- What is the effect of diplomatic recognition of a state or government?
- What are the fusion and fission pressures on states?

Text: 443-478  
Course Mat.: 110-141

12-13. Wednesday, February 27 and Monday, March 10:  
(Skip Mon. Mar. 3 and Wed. Mar. 5 – Spring Break)  
**Corporations and NGOs**

- What role do multinational corporations play in international law?
- What is the standard of care a host country must accord a foreign corporation?
- Which state is authorized to espouse the claim of a multinational corporation?
- What is the IL on expropriation and compensation?

Text: 35-36, 137-151, 753-777, 851-856  
Doc. Supp.: 373-383  
Course Mat.: 142-156

14-15. Wednesday, March 12 and Monday, March 17:  
**Persons**

- How does a person acquire and lose nationality in one or more states?
- What are the rights of aliens?
- How are fundamental human rights protected by IL?
- What should be the US strategy for promoting basic rights?

Text: 777-817, 1195-1205  
Doc. Supp.: 396-423, 433-437, 471-492, 982-1014  
Course Mat.: 157-166

Part IV. The Interpenetration of International and Domestic Law

- How do concepts of international law affect domestic U.S. litigation?
- What limits does IL place upon a state's exercise of judicial powers in its own territory?
- How may private individuals proceed with claims involving foreign states?

16-17. Wednesday, March 19 and Monday, March 24:

**Jurisdiction**

- What are "jurisdiction to prescribe" and "jurisdiction to enforce"?
- What are the six most commonly asserted bases of jurisdiction?
- How does the international system cope with conflicting claims of jurisdiction?

Text: 657-671, 685-702, 713-737  
Course Mat.: 167-181

18. Wednesday, March 26:

**Sovereign Immunity**

- How has the doctrine of foreign sovereign immunity evolved?
- How is the doctrine now dealt with in the United States and in other countries?
- How does U.S. legislation confine the application of immunity?
- What policy rationales support and oppose the doctrine?

Text: 559-568, 603-613, 620-628  
Doc. Supp.: 315-327  
Course Mat.: 182-185

19. Monday, March 31:

**The Act of State Doctrine**

- How has the act of state doctrine evolved in the United States and elsewhere?
- Where is this jurisprudence headed today?
- Is it a useful and prudent aspect of law?
- How does the doctrine affect the relationship between the judiciary, the legislature, and the executive?

Text: 628-656  
Course Mat.: 186-201

20. Wednesday, April 2:  
**Catch-up Day**

No additional reading assignment

Part V. International Law Applied: Two Case Studies

- How does IL operate in key sectors of international life?
- How well can IL adapt to rapidly changing political and economic circumstances?
- How does IL function as a planning mechanism?
- How does IL function in conflict situations?

21-22. Monday, April 7 and Wednesday, April 9:  
**The Law of the Sea: IL as a Planning Device**

- What are the international rules regarding the use of maritime resources?
- How are control and access allocated in the various maritime zones between coastal and seafaring states?
- What role has the U.S. played in the development of emerging LoS norms?
- What should, and will, happen with the Law of the Sea Convention?

Text: 847-851, 857-866, 881-894, 905-919

Doc. Supp.: 573-689

Course Mat.: 202-228

23-24-25. Monday, April 14; Wednesday, April 16; and Monday, April 21:  
**The Use of Force: IL as Regulator of Violence**

- What are the legal justifications for an individual state to use military force?
- What types and levels of force may be permitted?
- When does international law permit collective use of violence?
- How will international legal and political mechanisms change the law of force in the post-cold war era?
- How can IL respond to the emerging threat of modern terrorism?

Text: 985-1015, 1019-1053

Course Mat.: 229-239

Part VI: Conclusion

26. Wednesday, April 23:  
**Wrap-up and Conclusions**

- What are the principal lessons of an introductory course in public international law?
- How might knowledge of IL principles be relevant to your future practice?
- Where will international law (and your work with it) progress in the future?

Course Mat.: 240-245

**Lawmaking: Introduction to Statutory and  
Regulatory Interpretation  
(Professor Mezey)**

**Lawmaking:  
An Introduction to Statutory and Regulatory Interpretation**

**Spring 2008**

**Professor Naomi Mezey  
Georgetown University Law Center**

Class: M/W 11:10-12:35  
Office: Room 422  
Phone: 662-9854  
Office Hours: Mondays 3:30-5

**Required Text**

- Course Materials (CM), which are available from the GULC website.

**Recommended Text**

- Walter J. Oleszek, Congressional Procedures and the Policy Process (6th ed. 2004).

For those of you who would like or feel you need more background on Congress and the lawmaking process I recommend this book. This text will also be on reserve in the library.

**Other Course Requirements**

During the course of the semester I will ask you to do a few assignments, including (most likely) a statutory drafting exercise and a couple in-class interpretation exercises. The statutory drafting exercise is the only assignment that requires you to work in a group outside of class. All the assignments are required, but they will not be graded.

Feel free to use the courseware site for discussion and questions. The password is: interpretthis

**Exam and Grading Policies**

There will be a three-and-a-half hour in-class open-book exam in May. I will provide you with more details about the exam later in the semester. Your grade for the course will consist almost entirely of your exam grade. However, if you are at the margin between two grades after the exam, I will use consistent class participation (or lack of it) to determine whether to give you the higher or lower

of those grades. In addition, I will in very rare situations consider raising a grade by one half step when a student's performance in class has been exceptional and I feel the exam grade does not reflect the student's abilities. I will lower grades by one half step for failure to complete any of the required exercises. All exam grading is done blind; only after those grades are lodged with the registrar can I match the exam numbers with student names to make adjustments for participation.

## **Why Lawmaking?**

This course is about the process and techniques of statutory and regulatory interpretation. You will not learn the doctrine of any specific type of law in this class; instead you will learn the theory and practice of interpretation. You will learn how to read a statutory text with care, how to diagnose the interpretive problem in the text, and how to address that problem using all the tools developed and debated by courts and legal scholars. By unpacking and analyzing the interpretive tools used by courts in various decisions, you will learn how to wield these tools yourself in order to reach different conclusions. You will also learn to recognize the theoretical commitments that motivate different judicial approaches to statutory and regulatory interpretation. This course is excellent preparation for summer legal work, for upper-level courses that rely extensively on statutory law (such as tax, securities, environmental law, labor law, copyright law, etc.), and especially for all forms of legal practice after graduation.

### **I. Introduction**

Monday, January 14

**What We Didn't Learn in Kindergarten:  
How to Read Observantly and Ethically**

**CM pp. 2-14**

Robert Frost, A Silken Tent

A Medical Privacy Story

David Luban, A Different Nightmare & A Different Dream

Wednesday, January 16

**Hamdan Case Study, Part I**

**CM pp. 15-27**

Detainee Treatment Act Materials

Monday, January 21

**No class: MLK Holiday**

Wednesday, January 23

**Hamdan Case Study, Part II**

**CM pp. 28-43**

*Hamdan v. Rumsfeld*

Monday, January 28

**Congress 101**

**CM pp. 44-63**

Feldblum & Appleberry, Legislatures, Agencies, Courts & Advocates  
How a Bill Becomes Law

**II. The Statutory Interpretation Toolkit**

Wednesday, January 30

**Soupmeat & The Dilemma of the Faithful Agent:  
An Introduction to Statutory Interpretation**

**CM pp. 64-92**

*Holy Trinity Church v. U.S.*

Monday, February 4

**Textualism: Interpretive Sources Intrinsic to Text**

**CM pp. 93-111**

Eskridge, Frickey & Garrett, Textual Canons

*Price v. Time*

*McDonald v. Santa Fe Train Transportation Co.*

*Oncale v. Sundowner Offshore Services, Inc.*

Wednesday, February 6

**Textualism: Interpretive Sources Extrinsic to Text**

**CM pp. 112-123**

*Smith v. U.S.*

Monday, February 11

**Textualism: Sunstantive Canons**

**CM pp. 124-149**

Eskridge, Frickey & Garrett, Sunstantive Canons

*Muscarello v. U.S.*

Karl Llewellyn, Canons About How Statutes are to Be Construed

Wednesday, February 13

**Textualism: Drafting Mistakes & Absurd Results**

**CM pp. 150-169**

*Shine v. Shine*

*Green v. Bock Laundry*

Monday, February 18

**No class: President's Day Holiday**

Wednesday, February 20

**No class: Faculty Retreat**

Thursday, February 21

**Administrative Monday**

**Strict & Flexible Textualism & Review**

**CM pp. 170-182**

*Marshall v. U.S.*

Monday, February 25

**Purposivism**

*Crawford Fitting Co. v. Gibbons*

*West Virginia University Hospitals Inc. v. Casey*

**CM pp. 183-207**

Wednesday, February 27

**Purposivism**

Title VII Materials

*Griggs v. Duke Power Co.*

**CM pp. 208-223**

Monday & Wednesday, March 3 & 5

**No class: Spring Break**

Monday, March 10

**Purposivism**

Review Title VII Materials

*United Steel Workers of America v. Weber*

**CM pp. 224-252**

Wednesday, March 12

**In-class Exercise**

*Braschi v. Stahl*

**CM pp. 253-262**

Monday, March 17

**Purposivism & Review**

*Bob Jones*

**CM pp. 263-280**

**III. Enter Agencies: Regulatory Interpretation**

Wednesday, March 19

**Agency Authority & the Non-Delegation Principle**

*Field v. Clark*

*Hampton & Co. v. U.S.*

*Schechter Poultry Corp. v. U.S.*

*American Trucking Ass'n. v. EPA*

*Whitman v. American Trucking Ass'n.*

**CM pp. 281-301**

Monday, March 24

**Coke Case Study**

(This will be posted on Courseware)

Wednesday, March 26

**Regulatory Interpretation**

*Chevron U.S.A. v. NRDC*

*INS. v. Cardoza-Fonseca*

**CM pp. 302-321**

Monday, March 31 (no class—out of town)

<u>Wednesday, April 2</u> <b>Regulatory Interpretation</b> <i>MCI v. AT&amp;T</i> <i>Babbitt v. Sweet Home</i>	<b>CM pp. 322-349</b>
<u>Monday, April 7</u> <b>Regulatory Interpretation</b> <i>Skidmore v. Swift &amp; Co.</i> <i>U.S. v. Mead</i>	<b>CM pp. 350-371</b>
<u>Wednesday, April 9</u> <b>Regulatory Interpretation</b> <i>Gonzales v. Oregon</i>	<b>CM pp. 372-399</b>
<u>Monday, April 14</u> <b>Regulatory Interpretation</b> <i>Auer v. Robbins</i> <i>National Cable &amp; Telecom. Ass'n. v. Brand X Internet Services</i>	<b>CM pp. 400-418</b>
<u>Wednesday, April 16 (no class—out of town)</u>	
<u>Monday, April 21</u> <b>Wrap Up &amp; In-Class Exercise:</b> <b>A Reprise of Medical Privacy</b>	<b>CM pp. 419-426</b>
<u>Wednesday, April 23</u> <b>Review Session</b>	

**The Regulatory and Administrative State  
(Professor Heinzerling)**

**THE REGULATORY AND ADMINISTRATIVE STATE**  
**Spring 2009**

Lisa Heinzerling  
Email: heinzerl@law.georgetown.edu

Office: Room 474  
Phone: 662-9115

The text for this course is LISA HEINZERLING & MARK TUSHNET, *THE REGULATORY AND ADMINISTRATIVE STATE* (Oxford 2006). Several assignments are not in the casebook, but are available on Courseware. The reading assignments for the course are listed below in brackets. The final examination in the course will be completely open-book; you may use any written materials, as you desire. The Courseware password for this course is “law.”

We will *not* meet on **February 2, 4, 9, or 11**. Each of our scheduled class sessions has been extended by 15 minutes to make up for these missed sessions. Thus no makeup classes will be necessary to compensate for these sessions.

**Class No.:    Topic and Assignment:**

- 1    **Legal Responses to the Problem of Allocating Risk [ix-xi (preface), 20-36]**

*Lochner v. New York*

**CONTRACT**

- 2    **An Economic Perspective [7-20, 42-51]**

“A Trench Caves In; a Young Worker Is Dead. Is It a Crime?”

*Farwell v. The Boston & Worcester Rail Road Corp.*

W. Kip Viscusi, *Risk by Choice: Regulating Health and Safety in the Workplace*

Julie Graham & Don Shakow, *Hazard Pay for Workers: Risk and Reward*

3 **Market-Inalienability; Unequal Bargaining Power [53-64, 66-69, 101-108]**

Margaret Jane Radin, *Market Inalienability*  
Robert Steinfeld, *Coercion, Contract, and Free Labor in the Nineteenth Century*  
Bill New, *Paternalism and Public Policy*  
W. Kip Vicusi, *Risk by Choice*

**CRIMINAL LAW**

4 **Criminal Law: The Role of *Mens Rea*; Deliberate Indifference? [109-128]**

Indictment of Ford Motor Company  
*The People of the State of Illinois v. O'Neil*

**TORT**

5 **Recovery for (Pure?) Risk and Fear [128-147, 155-166]**

*Ayers v. Township of Jackson*  
*Metro-North Commuter Railroad Co. v. Buckley*

6 **Placing a Value on Exposure to Risk; An Introduction to Problems of Professional Ethics [171-192, 200-204]**

Paul Slovic, *Perception of Risk*  
Paul Slovic, *Trust, Emotion, Sex, Politics, and Science: Surveying the Risk Assessment Battlefield*  
Neil D. Weinstein, *Optimistic Biases about Personal Risks*  
Stephen Gillers, *A Fine Kettle of Fish (and Arsenic?)*

7 **Two General Accounts of Institutional Differences; The Sociology of Claiming Legal Rights [205-221, 231-45]**

Clayton P. Gillette & James E. Krier, *Risk, Courts, and Agencies*  
William L.F. Felstiner, Richard Abel, & Austin Sarat, *The Emergence and Transformation of Disputes: Naming, Blaming,*

*Claiming . . .*

## **THE ADMINISTRATIVE STATE**

### **7 Statutory Interpretation: Theory [319-350]**

Karl N. Llewellyn, *Remarks on the Theory of Appellate Decision and the Rules or Canons About How Statutes Are to Be Construed*  
Frank H. Easterbrook, *Statutes' Domains*  
Stephen Breyer, *On the Uses of Legislative History in Interpreting Statutes*

### **8 Statutory Interpretation: Cases [350-378]**

*Church of the Holy Trinity v. United States*  
*United States v. Marshall*  
*Chisom v. Roemer*  
*Chickasaw Nation v. United States*

### **9 Statutory Interpretation by Administration Agencies [378-413]**

*Chevron, U.S.A., Inc. v. Natural Resources Defense Council*  
*Food and Drug Administration v. Brown & Williamson Tobacco Corporation*

### **10 The Development of Administrative Law; Rule Making Under the Administrative Procedure Act [415-438]**

Richard Stewart, *The Reformation of American Administrative Law*  
*Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc.*  
"Flooded with Comments, Officials Plug Their Ears"

### **11 Judicial Review of Agency Rules on the Merits: The "Arbitrary and Capricious" Standard [438-459]**

*Motor Vehicle Manufacturers Association v. State Farm Mutual Automobile Insurance Co.*  
*Baltimore Gas & Electric Co. v. Natural Resources Defense*

*Council*

**ASSESSING REGULATION**

- 12    **How Regulation Can Fail: Theory; Practice [461-494]**
- John Mendeloff, *The Dilemma of Toxic Substance Regulation*  
Cass R. Sunstein, *Paradoxes of the Regulatory State*  
Aaron Wildavsky, *Richer Is Safer*  
*Competitive Enterprise Institute v. National Highway Traffic  
Safety Administration*  
United States Environmental Protection Agency, Consolidated  
DDT Hearings, Opinion and Order of the Administrator
- 13    **What Is Cost-Benefit Analysis?; The Case for Cost-Benefit  
Analysis [494-518]**
- Frank Ackerman and Lisa Heinzerling, *Pricing the Priceless:  
Cost-Benefit Analysis of Environmental Protection*  
Lester B. Lave, *Benefit-Cost Analysis: Do the Benefits Exceed the  
Costs?*  
Nicholas Ashford, *Crisis in the Workplace*  
W. Kip Viscusi, *Fatal Tradeoffs*  
American Trucking Associations v. Whitman, 1999 U.S. Briefs  
1426  
John F. Morrall III, *A Review of the Record*
- 14    **The Case against Cost-Benefit Analysis [518-533, 541-545]**
- Frank Ackerman and Lisa Heinzerling, *Pricing the Priceless:  
Cost-Benefit Analysis of Environmental Protection*  
*Corrosion Proof Fittings v. EPA*

## INFORMATION PROVISION

15     **General Considerations; Generating Information Collectively  
[547-566]**

Stephen Breyer, *Regulation and Its Reform*

Susan Rose-Ackerman, *Progressive Law and Economics and the  
New Administrative Law*

Albert Nichols & Richard Zeckhauser, *OSHA after a Decade: A  
Time for Reason*

W. Kip Viscusi, *Risk by Choice*

Peter Dorman, *Markets and Mortality: Economics, Dangerous  
Work, and the Value of Human Life*

Cass R. Sunstein, *Informing America: Risk, Disclosure, and the  
First Amendment*

16     **California's Proposition 65: A Case Study in Information  
Provision; The First Amendment and Information-Based  
Regulation [566-572, 598-611]**

*Nicolle-Wagner v. Deukmejian*

*International Dairy Foods Association v. Amestoy*

## STANDARD SETTING

17     **Zero or De Minimis Risk; Significant Risk and Feasibility  
[613-637]**

*Les v. Reilly*

*Industrial Union Department, AFL-CIO v. American Petroleum  
Institute ("Benzene")*

18     **Public Health Standards [638-649]**

*Whitman v. American Trucking Associations, Inc.*

*American Lung Association v. Environmental Protection Agency*

19     **Implementing Standards: Technology and Market-Based  
Systems [649-664]**

Bruce Ackerman & Richard Stewart, *Reforming Environmental Law*

20 **The Nondelegation Problem [665-682]**

*American Trucking Associations v. Environmental Protection Agency*

*Whitman v. American Trucking Associations*

*Geo-Tech Reclamation Industries, Inc. v. Hamrick*

21 **Setting Regulatory Priorities  
[742-750, plus Courseware reading]**

Memo from John D. Graham to Agency Heads (Sept. 2001)

*Heckler v. Chaney*

*Massachusetts v. EPA* (on Courseware)

22 **Standing to Sue [264-274, plus Courseware reading]**

*Lujan v. Defenders of Wildlife*

*Massachusetts v. EPA* (on Courseware)

**Transnational Law  
(Professor Tarullo)**

**Transnational Law**  
**Spring 2008**  
**Professor Daniel K. Tarullo**  
**tarulld@law.georgetown.edu**

This course introduces students to the varieties of contemporary legal problems that extend beyond the legal system of any single nation. Like International Law I, it prepares students for advanced international law courses. However, it differs from International Law I in three salient respects: *First*, it deemphasizes the traditional distinction between “public” and “private” international law. While it covers subjects long considered the core of “public” international law – that is, the nature and sources of law governing relationships among states – it also includes economic, regulatory, and other topics that involve private actors operating across national boundaries. *Second*, and related to the first difference, it allows students to explore transnational legal issues from multiple private practice and government perspectives, as well as the traditional view of a lawyer for the State Department or a foreign ministry. *Third*, it takes a problem-oriented approach to transnational legal issues. That is, it will be taught principally through case studies of actual problems that have been, or are being, faced internationally by governments or private actors. These case studies consist of factual background information, international and domestic legal instruments (treaties, statutes, etc.), non-binding documents of international organizations, international arbitral and other decisions, and domestic case law.

**Course Web Site:** I have established a web site for this course on the Courseware system. The password is “transnational”. This site will contain:

1. Assigned readings other than the casebook [folder labeled “Assigned Readings” in Documents portion of Courseware site];
2. Complete or excerpted documents such as international agreements or statutes that are mentioned in the assigned readings [folder labeled “Documentary Supplement” in Documents portion of Courseware site];
3. Questions and problems to be considered in class [folder labeled “Questions for Class Discussion” in Documents portion of Courseware site];
4. Current version of course syllabus; and
5. Administrative announcements pertinent to the course.

Items 1 - 3 are explained below.

**Class Preparation and Participation:** Because the class is organized around case studies, it is even more important than usual that you do the reading in advance of each class. I will not restate or explain the case study as put forth in the book or supplemental materials. Thus, if you do not read the assignment, there will be times when you will have difficulty following the class discussion. Conversely, important as the reading is, it is only the foundation for the course. I am using the case studies to make the concepts and disagreements around transnational legal problems more accessible than they

otherwise would be. However, this approach requires us to induce more generally applicable observations and conclusions through class discussion. I think you will find that regular absences from class will significantly limit the benefits you gain from the course and diminish your chances of doing well in it.

Accordingly, I expect students to be well-prepared and ready to participate for each class. No matter what career path you take, it is essential that you cultivate the ability to think through a problem, state your provisional conclusions, and then respond productively and extemporaneously when challenged or questioned by others. In an effort to involve all of you in class discussion and to foster the skills identified in the preceding sentence, I will call on students, as well as solicit volunteers. If extenuating circumstances have prevented you from preparing for a specific class, please let me know *in advance*. An email is the preferred means of notification; a note is also acceptable.

**The quality of your class participation will be a factor in your final grade.**

For most classes I will post in advance certain questions and problems in the folder labeled "Questions for Class Discussion" in the Documents section of the Courseware site. Sometimes I will simply point you to questions posed by the editors in the casebook but, more frequently, I will pose some of my own. These notices will identify the topics to be covered and should help you in prepare more efficiently for class. Usually, I will post the notice for a specific class on the afternoon following the preceding class.

**Contacting Me:** I will have open office hours from 3:30 PM to 5:30 PM on Monday afternoons in Hotung 6017. If this time is not convenient, or if you have a time sensitive question, you are welcome to email.

**Exam:** *The exam in this class will be a three-hour exam administered on May 12.* During the exam, you will be permitted to consult any inanimate object (books, notes, databases, etc.), whether in hard copy or electronic form.

**Course Materials:** The assigned readings are drawn from:

- Dunoff, Ratner, & Wippman, *International Law: Norms, Actors, Process* (2<sup>nd</sup> ed. 2006). This casebook is available in the bookstore. All page numbers in the assignment list refer to this book
- Additional materials, which will be uploaded into the "Assigned Readings" folder in the Documents portion of the Courseware site well in advance of the class in question. Most of these materials supplement an assignment in the casebook. The materials for Mar. and April - are self-contained packets.
- A few pages for a single class from a hornbook that is otherwise recommended, but not required, reading (see below).

In addition, I have uploaded into the "Documentary Supplement" folder on the website various treaties, statutes, or other documents that are relevant to one or more assignments. There is no published documentary supplement for this casebook. As you will see, the editors have included excerpts from such documents in their text. However, at times they

have been a bit too selective in their editing and have omitted some or all of a document that seems to me important for a full understanding of the materials. These uploaded documents provide you with those omitted sections. Where such a documentary supplement is included on the website, the assignment for that class will so indicate with the following notation: **[Doc. Supp.]** The label on the document on the Courseware site will include the date of the class(es) for which it is relevant.

Finally, as you may have noticed in the bookstore, I have strongly recommended – but not required – that you purchase a copy of a short paperback hornbook:

- Sean D. Murphy, *Principles of International Law* (Thomson West 2006)

Last year, I had the bookstore buy copies of this book but did not specifically draw the attention of students to it. However, because a number of students told me that they had found it very useful in providing some basic doctrinal and historical background for the casebook reading, I want to bring it more strongly to your attention – particularly those of who may feel yourselves a bit adrift in tackling this new set of issues. With the exception of a few pages assigned for February 27, you are not *required* to read the book, but my guess is that most of you will profit from at least occasionally referring to it. For your convenience, I have included in the assignment list an indication of the pages in the hornbook that are relevant to that day’s class (there is not always a section relevant to a class). Those pages are noted with an indication such as the following: *[Murphy 153-58, 179-95]*. For those of you who opt not to buy the book, there is a copy on the Reading Room Reserve Shelves on the Second Floor of the Williams Library.

### *Outline of Course and Assignments*

#### **Introduction**

Jan. 14	Concepts of “International” and “Transnational” Law, 1-15
Jan. 16	Breakdown of Traditional International Law Categories, 15-33 <i>[Murphy 153-58, 179-95]</i>
Jan. 21	<i>Martin Luther King, Jr. Holiday – No Classes</i>
Jan. 23	Treaties, 35-52 <i>[Murphy 65-77]</i>
Jan. 28	Treaties (continued), 52-74
Jan. 30	Customary International Law, 74-92 <i>[Murphy 78-86]</i>
Feb. 4	“Non-Binding” International Agreements, 92-105 <b>[Doc. Supp.]</b> <i>[Murphy 96-100]</i>

### **Legal Identity in the International System: State and Non-State Actors**

- Feb. 6           The State as Core Concept and Actor: State Formation, 111-143  
[Murphy 31-40]
- Feb. 11           *Continue Discussion of Previous Assignment*
- Feb. 13           The State as Core Concept and Actor: State Succession and Governmental  
Change, 144-158, 168-71
- Feb. 18 & 20   *Presidents' Day and Faculty Retreat – No Classes*
- Feb. 21           [Thursday Class] Non-State Actors: Individual Human Rights, 201-02,  
437-39, 441-43, 500-515   **[Doc. Supp.]** [Murphy 293-96, 300-05]
- Feb. 25           Non-State Actors: Investors as Rights Holders, 859-872; *NAFTA Free  
Trade Commission Interpretation (on Courseware)*
- Feb. 27           Non-State Actors: Investors as Obligation Holders, 216-34; Murphy 227-  
230 (N.B. this section of the Murphy hornbook is assigned, not just  
recommended); *Presbyterian Church of Sudan v. Talisman Energy (on  
Courseware)*
- Mar. 3 & 5       *Spring Break – No Classes*

### **Relationship Between Domestic and International Legal Regimes**

- Mar. 10           Binding the Nation-State to International Obligations, 263-93 [Murphy  
199-215]
- Mar. 12           *Continue Discussion of Previous Assignment*
- Mar. 17           Impact of International Law in the Domestic Legal System, *Charming  
Betsy* excerpts (on Courseware); 293-306, *Sanchez-Llamas* and *Medellin  
cases (on Courseware)*, 310-315, 323-26, **[Doc. Supp.]** [Murphy 221-227]
- Mar. 19           National Jurisdiction and Conflicts, 360-387 [Murphy 237-56 – N.B. this  
reading is fairly duplicative of the material in the casebook]
- Mar. 24           National Jurisdiction and Conflicts (continued), *Child Custody Materials  
(on Courseware)*
- Mar. 26           National Jurisdiction over the Acts of Other Sovereigns, 415-35, 340-53  
**[Doc. Supp.]** [Murphy 269-89]

**Collective Action Problems**

- Mar. 31 Introduction to Collective Action; Protecting the Global Commons, 695-699, 761-763, 782-810
- Apr. 2 Protecting the Global Commons (continued) *NRDC v. EPA* (on Courseware)
- Apr. 7 Implementing Collective Action Solutions; the World Trading System, The Bananas Case, 827-846 **[Doc. Supp.]**
- Apr. 9 Implementing Collective Action Solutions; the World Trading System, Trade and the Environment, 846-59 **[Doc. Supp.]**

**Testing Traditional International Law**

- Apr. 14 International Law and the Use of Force, 873-904 **[Doc. Supp.]** [*Murphy 439-55*]
- Apr. 16 International Law and the Use of Force (cont.), 904-915
- Apr. 21 The “War” on Terrorism and International Law, 983-1012 [*Murphy 455-466*]
- Apr. 23 The “War” on Terrorism and International Law (cont.), 1013-1027, *Hamdan excerpts* (on Courseware)