American University  
School of Public Affairs  
JLS 102: Civil Liberties and the War on Terror  
Summer 2009 – NSLC Program

Instructor: Joshua M. Chanin  
Email: jchanin@american.edu  
Phone: (202) 657-3974

Course Description

Immediately following the events of September 11, 2001, the Bush Administration took unprecedented steps to prevent a second terrorist attack. Over seven years later, many of the policies central to this Global War on Terror remain in the headlines of our country's biggest newspapers. The recent release of previously classified torture memos is but the latest example. The election of Barack Obama has invigorated some of the toughest legal, moral, and political debates of our day. Should suspected terrorists be given constitutional rights? Are military commissions the best means of prosecuting alleged war criminals? Can we justify torturing one terrorist to save the lives of thousands of innocent Americans? Does it matter if the President breaks the law in order to gather critical intelligence? Through scholarly literature, primary source documents, Supreme Court case law, documentary films, and class discussion, students will engage deeply with these issues and acquire the tools necessary for understanding this current and exciting topic.

Course Schedule

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| Session 1 (3 hrs) | Administration:  
• Course introduction  
• Syllabus, etc.  

   Introduction to the Global War on Terror  
   • The U.S. Democratic-Constitutional system and the Bill of Rights  
   • September 11, Terrorism, and the “Global War on Terror”  
   • The Obama Administration  

   Film and Discussion:  
   • Frontline: Cheney’s Law  

| Session 2 (1 hr) | Terrorist Surveillance  
• The importance of intelligence  
• FISA and the 2008 FISA Amendments Act  
• Bush’s warrantless wiretapping program |
| Session 3 (1.5 hrs) | Detention and Prosecution of Suspected Terrorists  
• Indefinite detention  
• Guantanamo Bay  
• Military Tribunals |
| Session 4 (1.5 hrs) | Torture and coercive interrogation  
• Law, policy, and morality  
• Does it work?  
• The torture memos |
Assignments

Remember, to pass the course you MUST submit all assignments **30 days after your NSLC program**.

Graded materials for this course will consist of:

1. **Class Participation**  \hspace{1cm} 35% of final grade

Participation has two components:

Part 1 is your participation in the four on-site course sessions with the professor. Students are expected to attend all sessions, listen attentively, ask questions, and participate actively in the discussion. Should you suffer a serious injury or illness, please provide a note from a doctor or your program director and I will excuse the absence.

Part 2 occurs on the Blackboard discussion board.

- Students are required to make a minimum of two (2) substantive posts initiating a conversation, asking a thought-provoking question, or pointing out (with a link) a contemporary news story relevant to the class.
- These posts should be about a paragraph in length and end with a question or issue to debate. Students are required to make a minimum of four (4) follow up comments. These should advance the discussion started by the substantive posts. The follow up posts can respond to the original post or another student’s comments. The goal is to generate an interesting discussion.
- All discussion board posts should follow proper decorum and respect for fellow students.

**One Credit Requirement:** Students taking the course for one credit are required to complete the Research Note.

2. **Research Note (2000-2500 words)**  \hspace{1cm} 65% of final grade

Using examples from class and material from the course reading list, please discuss the tension between security and liberty in the context of the U.S. government’s battle against terrorism.

**Two Credit Requirement:** If and only if you have registered for the *two-credit option*, you must complete the following additional assignment. Each of the above assignments will be reduced in weight by half in your final grade (participation 17%, research note 33%).

3. **Decision Memorandum (1000 words)**  \hspace{1cm} 50% of final grade

President Obama faces several very difficult decisions regarding the government’s policy toward the interrogation of suspected terrorists. Members of the Bush Administration, former military interrogators, academics, and members of the media have all weighed in on the issue. Given your deep understanding of the several debates, please use material from the course reading list to advise the President on the most prudent course of action moving forward. Citing scholarly research and other material from the course reading list, your memo should include: (1) a concise description of the issue and its key debates; (2) three policy options, complete with costs and benefits of each; and (3) a clear recommendation.
Grading

Your assignments are due 30 days after the conclusion of your NSLC program. Your assignments should be submitted through the Assignment Manager on the Blackboard site. Your grade (A to F) will reflect your effectiveness and promptness in completing the written assignments listed below. An “A” grade will indicate superior work demonstrating a mastery of the concepts discussed in class, and reflecting thorough and thoughtful research conveyed through well-written assignments. A “B” grade will indicate good work, and a “C” grade average work. Substandard, incomplete, or otherwise unacceptable work will receive grades of either “D” or “F.”

As a student enrolled in a regular course at American University, you may request grading of your work on a “pass/fail” basis. See the Frequently Asked Questions sheet attached to this syllabus for further information about this option.

Once your work has been graded, American University will send you an official transcript. You will complete a form requesting this transcript on the first day of class. Please make sure that you fill this form out carefully and accurately. If you need additional transcripts, consult our website or the FAQ on how to order them from the University. Finally, please keep a copy of all materials submitted for grading, as instructors will not return the originals.

Paper Requirements All papers must meet the following minimum standards:

- You should provide a title, your name, and the date of submission at the top of the first page.
- Please include page numbers on each page of the work.
- Papers should contain no grammatical or spelling errors. Try to convey your ideas in simple sentences, and proofread your work carefully before submitting it.
- References to authors must be cited using a standard citation method. (See, e.g., Kate L. Turabian, A Manual for Writers of Term Papers, Theses, and Dissertations, or a similar reference work for guidance.)

Either footnotes or endnotes will satisfy this requirement. When paraphrasing an author’s work, a student MUST give credit to the author paraphrased, preferably in BOTH the body of your paper AND in a footnote/endnote. You MUST indicate any direct quotation with quotation marks and a citation. A quote used without quotation marks is plagiarism, even if the author is cited.

Academic Integrity Code

Standards of academic integrity as set forth by the University are strictly observed and rigorously enforced in this class. It is the student’s responsibility to be familiar with the code. Copies of the Academic Integrity Code are available from the University Registrar or can be found on our Blackboard site. Basically, your work must be exclusively your own, and by turning it in to me, you are certifying that it is your own. If you suspect that what you are doing could be cheating, chances are it is at least worth discussing the issue with me, before turning the work in. I am happy to give you advice on these kinds of issues before they become a problem.
**Classroom Etiquette, etc.**

I expect students to arrive for class on time. Late arrivals disturb the other students and will count against your class participation grade.

We have limited class time to cover a great deal of material. To maximize the effectiveness of our time together, I expect that students will turn their cell phones off before entering the classroom. Computers are permitted in class. Please refrain from using your computer for anything other than note taking, including use of the internet, game playing, IMing, etc. I expect you to refrain from sleeping, chatting, and engaging in any other behavior that is disruptive to your classmates. Food is permitted in class, given that it is not particularly noisy or potentially disruptive to other students. Please also refrain from listening to portable audio devices (iPods and other MP3 players, etc.) and wearing dark sunglasses while class is in session. Violating any of these rules will count against your participation grade.

Finally, this is a discussion-based class. Please plan on participating fully and doing so in a respectful, civil manner. Failure to appreciate the comments or perspectives of your classmates will also negatively affect your grade.

**Blackboard**

I will use Blackboard prior to the start of the course to distribute information and make class announcements. The syllabus and course readings are now posted on the Blackboard site. Any changes made to the class schedule or assignments will also be listed on Blackboard. Please check and make sure that you have access to our site and ensure that you are comfortable using the technology. If not, please contact your NSLC program director for assistance.

**Course Materials**

Students should complete the following readings in preparation for the first class meeting (each of which are posted on Blackboard):

**Additional Materials:** (All articles available on Blackboard; all books available through a local library, bookstore, or online retailer.)

**Required (Federal, state, and international law)**
- United States Constitution  
  (Available here: [http://www.law.cornell.edu/constitution/constitutionOverview.html](http://www.law.cornell.edu/constitution/constitutionOverview.html))
- 18 U.S.C. 2340  
  (Available here, in relevant part: [http://www4.law.cornell.edu/uscode/18/uscode_sup_01_18_10_i_20_113C.html](http://www4.law.cornell.edu/uscode/18/uscode_sup_01_18_10_i_20_113C.html))
- The Detainee Treatment Act of 2005  
- The Military Commissions Act of 2006  

**Required (Terrorism)**

**Required (Anti-Terrorism, generally)**

**Required (Terrorist surveillance)**

**Required (Detention and prosecution)**
**Required (Torture/coercive interrogation)**
- FRONTLINE: *The Torture Question*

**Recommended (Law)**
- 9/11 Commission Report
- Foreign Intelligence Surveillance Act of 1978
  (Available here, in relevant part: [http://www4.law.cornell.edu/uscode/50/usc_sup_01_50_10_36_20_l.html](http://www4.law.cornell.edu/uscode/50/usc_sup_01_50_10_36_20_l.html))
- FISA Amendments Act of 2008
- Geneva Conventions
  (Short summary available here: [http://www.ppu.org.uk/learn/texts/doc_geneva_con.html](http://www.ppu.org.uk/learn/texts/doc_geneva_con.html))

**Recommended (Anti-terrorism, generally)**
- Videos:
  - Highly recommended are “Cheney’s Law,” “Spying on the Home Front,” “The Dark Side,” and “The Torture Question.”
Recommended (Terrorist surveillance)
- Federation of American Scientists (FAS) FISA resource page: http://www.fas.org/irp/agency/doj/fisa/ (A HUGE resource of primary source docs)

Recommended (Detention and prosecution)
- Paul, Katie, “The Road From Gitmo” Newsweek Web Exclusive, June 27, 2008.
- Misc. Newspaper Articles on Hamdan War Crimes Tribunal

Recommended (Coercive interrogation/torture)
- FAS Office of Legal Council resource page: http://www.fas.org/irp/agency/doj/olc/index.html (Another great source of primary source documents, including all relevant OLC memos, past and present)