National Security Law

Syllabus
and
Assignments

Professor John Norton Moore
University of Virginia School of Law
Spring 2017

Class Website:
http://www.faculty.virginia.edu/jnmoore/nslcourse
“The justest dispositions possible in ourselves will not secure us against [war]. It would be necessary that all other nations were just also. Justice indeed on our part will save us from those wars which would have been produced by a contrary disposition. But how to prevent those produced by the wrongs of other nations? By putting ourselves in a condition to punish them. Weakness provokes insult and injury, while a condition to punish it often prevents it.”

Thomas Jefferson

from THE PAPERS OF THOMAS JEFFERSON, Letter to John Jay, August 23, 1785
January 23  I. Introduction and Context

A. Goal Clarification: What is National Security?

B. Principal Theories of International Relations: How well do they work?

C. The Causes of War: The State of Human Knowledge

January 25  D. Traditional Approaches to Preventing War

- Diplomacy
- Balance of Power
- Deterrence
- Collective Security
- Arms Control
- World Federalist
- Functionalism and Other

January 30  E. The “Democratic Peace,” “Incentive Theory,” and Newer Approaches

F. “Restrictivism” or “The Minimalist Tradition”: Good Motives and Bad Results in a Non-Debate about Law and Deterrence

February 1  II. The International Law of Conflict Management

A. Historical Development of the International Law of Conflict Management

February 6  B. Institutional Modes of Conflict Management

- The United Nations System: Goals, Structure, and Legal Framework
- The Role of the Security Council
- Peacekeeping and Peace-Enforcement
- Strengthening the United Nations System: Incremental and Utopian Models

February 8  C. Lawfulness of the Use of Force in International Relations: Jus ad Bellum (Pt.I)

<table>
<thead>
<tr>
<th>Date</th>
<th>Topics</th>
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<tbody>
<tr>
<td>February 13</td>
<td>Jus ad Bellum Part II</td>
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<tr>
<td>February 15</td>
<td>4. Illustrative Case Study: The Indo-China War</td>
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<tr>
<td>February 20</td>
<td>5. Illustrative Case Study: The Secret War in Central America</td>
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</tbody>
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**On Your Own**

Review the assigned readings for this section on your own:

6. Illustrative Case Study: The Grenada Mission

February 22


February 27


9. The September 11 attack, the response in Afghanistan, and the War on Terrorism

March 1

10. The War in Iraq

- Legal & Policy Issues on the War in Iraq: *A Debate* (Prof. Moore vs. Prof. Turner)

*** SPRING BREAK March 5-10 No classes meet ***

March 13

D. Human Rights for Contexts of Violence: Norms Concerning the Conduct of Hostilities: *Jus in Bello*

1. Theoretical and Historical Overview
   - General Principles
   - Applicable Conventions
## Topics

<table>
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<tr>
<th>Date</th>
<th>Topics</th>
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| March 15   | **Jus in Bello Guest Speaker 3/13 & 3/15:**                           | Col. David Graham  
|            | Center for National Security Law                                       |  
|            | 2. Conduct of Hostilities and Protection of Non-Combatants:           | Targeting,        
|            | Weapons Systems, Belligerent Occupation, and the Law of Neutrality    | Belligerent        
|            | 3. Procedures for Implementation and Enforcement (including Reprisals  | Occupation, and  
|            | and Protecting Powers)                                                | the Law of         
<p>|            | <strong>Guest Speaker:</strong>                                                    | Neutrality        |
|            | Col. David Graham                                                      |                  |
|            | Center for National Security Law                                       |                  |
| March 20   | E. War Crimes and the Nuremberg Principles                             |                  |
|            | F. Illustrative Case Studies: War Crimes in the Gulf War and in the   |                  |
|            | Yugoslav (Bosnia-Herzegovina, Croatia, Serbia) Conflict                |                  |
|            | G. The International Criminal Court                                    |                  |
| March 22   | H. International Terrorism and Its Control: The Events of September   |                  |
|            | 11 and Their Aftermath                                                |                  |
|            | I. Domestic Terrorism                                                 |                  |
| March 27   | <strong>III. Strategic Stability and Arms Control &amp; American Security      |                  |
|            | Doctrine</strong>                                                            |                  |
|            | A. Theoretical and Historical Overview                                |                  |
|            | B. Nuclear Weapons and Their Effects                                  |                  |
| March 29   | C. Strategic Arms Limitation Talks (SALT I &amp; II) and Strategic Arms   |                  |
|            | Reduction Talks (START I, II, &amp; III) and Resulting Treaties and       |                  |
|            | Agreements                                                            |                  |
|            | D. Mutual Balanced Force Reduction/Conventional Armed Forces in       |                  |
|            | Europe Talks (MBFR/CFE) and Theater Nuclear Force/Intermediate-Range  |                  |
|            | Nuclear Force Talks (TNF/INF) and Resulting Treaties                  |                  |
|            | E. Contemporary Issues: Nonproliferation and Counterproliferation of  |                  |
|            | Nuclear, Chemical, and Biological Weapons and Ballistic Missiles      |                  |
|            | - Non-Proliferation Treaty (NPT), July 1, 1968 and recent review      |                  |
|            | conference                                                            |                  |</p>
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<tr>
<th>Date</th>
<th>Topics</th>
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<tbody>
<tr>
<td></td>
<td>- Chemical Weapons Convention (CWC), January 13, 1993</td>
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<td>- Biological Weapons Convention, April 1972</td>
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<td></td>
<td>- Missile Technology Control Regime (MTCR)</td>
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<td>- Comprehensive Test Ban Treaty (CTBT)</td>
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<td></td>
<td>❖ 1993-2006 North Korean Violation of NPT as a Case Study</td>
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<td></td>
<td>F. United States-Russian Strategic Cooperation</td>
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<td>G. The Debate about National Missile Defense</td>
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<td>April 3</td>
<td>IV. National Institutional Framework</td>
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<td></td>
<td>A. The Constitutional Framework for the Division of National Security</td>
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<td></td>
<td>Powers Between Congress and the President</td>
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<td></td>
<td>1. Historical Background and General Principles</td>
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<td>April 5</td>
<td>2. The Authority of Congress and the President to Conclude, Interpret,</td>
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<tr>
<td></td>
<td>and Terminate Agreements Relating to National Security</td>
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<td></td>
<td>3. The “Dual vs. Unitary” Theory Debate Arising from the “Broad-Narrow”</td>
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<td>Issue in Interpreting the Anti-Ballistic Missile (ABM) Treaty</td>
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<td>April 10*</td>
<td>4. The Authority of Congress and the President to Use the Armed Forces</td>
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<td>5. The War Powers Resolution</td>
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<td></td>
<td><strong>Guest Speaker:</strong> <em>Rescheduled to April 17</em></td>
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<tr>
<td></td>
<td>Robert F. Turner</td>
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<tr>
<td></td>
<td>Associate Director, Center for National Security Law</td>
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<td>April 12</td>
<td>B. The National Security Process</td>
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<td>April 17</td>
<td>C. Secrecy, Access to Information, and the Classification System</td>
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<td>(see April 10)</td>
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<td></td>
<td>D. Intelligence and Counterintelligence</td>
</tr>
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<td>April 19</td>
<td>V. Individual Rights and Accountability</td>
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<td></td>
<td>A. Freedom of Expression, Protection of Privacy, and National Security</td>
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<tr>
<td></td>
<td>1. The First Amendment of the United States Constitution and National</td>
</tr>
<tr>
<td></td>
<td>Security</td>
</tr>
</tbody>
</table>
2. The Fourth Amendment of the United States Constitution and National Security

B. Detainee Rights

On Your Own Review the *suggested* readings for this section on your own:

C. National Security Violations

<table>
<thead>
<tr>
<th>April 24</th>
<th>VI. Other National Legal Issues</th>
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<tbody>
<tr>
<td></td>
<td>A. Homeland Security</td>
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<td></td>
<td>B. Law and Warfare in the Cyber Domain</td>
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</table>

On Your Own Review the *suggested* readings for this section on your own:

C. The Environment and National Security

D. Security Aspects of Oceans Law

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<tr>
<th>April 26</th>
<th>VII. Economic Sanctions and Export Controls</th>
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<tbody>
<tr>
<td></td>
<td>A. An Introduction to Economic Sanctions</td>
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<tr>
<td></td>
<td>B. An Introduction to Export Controls</td>
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Classes end April 28, 2017
Texts for Reading Assignments


UN Charter: CHARTER OF THE UNITED NATIONS. Available at the law school bookstore. Also available online at http://www.un.org/en/charter-united-nations/

Course Reader: Two volumes of selected readings compiled by Professor Moore for the course. Copies available at the Copy Center (they are also on course website).

Optional Readings: Some readings throughout the syllabus are marked “optional.” These readings provide additional background information and can be used to get a more comprehensive understanding of the topic. They are not required, like all other readings, but are recommended for anyone interested in additional reading on a subject.

CLASS WEBSITE: http://faculty.virginia.edu/jnmoore/nslcourse

Date Topics

January 23 I. Introduction and Context

A. Goal Clarification: What is National Security?

B. Principal Theories of International Relations: How well do they work?

Casebook: 3-18 (A. Arend, ch. 1)

C. The Causes of War: The State of Human Knowledge

Readings, On Reserve:

January 25  
D. Traditional Approaches to Preventing War

- Diplomacy
- Balance of Power
- Deterrence
- Collective Security
- Arms Control
- World Federalist
- Functionalism and Other

**Casebook:**
19-32 (J.N. Moore, ch. 2)

**Course Reader, Volume 1:**
1-17  R. J. Rummel, “Power Kills; Absolute Power Kills Absolutely” (October 20, 1991)

January 30  
E. The “Democratic Peace,” “Incentive Theory,” and Newer Approaches

**Readings, On Reserve:**

#2  B. RUSSETT AND J. ONEAL, TRIANGULATING PEACE, 43-79 (2000)

**Documents:**


**Readings, On Reserve:**


F. “Restrictivism” or “The Minimalist Tradition”: Good Motives and Bad Results in a Non-Debate About Law and Deterrence

**Optional Readings for January 30:**

**Documents:**


Readings, On Reserve:

A video of Professor Moore’s presentation on “Solving the War Puzzle” at the Library of Congress is available at http://faculty.virginia.edu/jnmoore/pdf/solvingwarpuzzle.pdf

February 1 II. The International Law of Conflict Management

A. Historical Development of the International Law of Conflict Management

Casebook:
35-73 (J.N. Moore, ch. 3)

Documents:
2:12 Kellogg-Briand Pact, 1928
[http://avalon.law.yale.edu/20th_century/kbpact.asp]

February 6 B. Institutional Modes of Conflict Management

- The United Nations System: Goals, Structure, and Legal Framework
- The Role of the Security Council
- Peacekeeping and Peace-Enforcement
- Strengthening the United Nations System: Incremental and Utopian Models

Casebook:
209-264 & 285-316 (R. Higgins, D. Sarooshi, & P. Webb ch. 5)

Online:

Documents:
2:3 United Nations Charter, 1945 [Skim]
2:4 Uniting for Peace Resolution, 1950 [Skim]

February 8 C. Lawfulness of the Use of Force in International Relations: Jus ad Bellum

February 13

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<tr>
<th>Date</th>
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<tr>
<td></td>
<td><strong>Casebook:</strong></td>
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<tr>
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<td>75-100 (J.N. Moore, ch. 4)</td>
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<td>2. Regional Arrangements and Relevant Provisions of the Rio Treaty and</td>
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<td>the Revised Charter of the Organization of American States (OAS)</td>
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<td><strong>Casebook:</strong></td>
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<td>100-105 (J.N. Moore, ch. 4)</td>
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<td><strong>Documents:</strong></td>
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<td></td>
<td>2:6 Inter-American Treaty of Reciprocal Assistance (Rio Treaty), 1947</td>
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<td></td>
<td>[Skim]</td>
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<td>2:8 Charter of the Organization of American States (Revised) [Skim]</td>
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<td>2:15 Definition of Aggression Resolution, 1973 [Skim]</td>
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<td></td>
<td>3. Low-Intensity Conflict, Intervention, Anticipatory Defense and Other</td>
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<td>Continuing Problems</td>
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<td><strong>Casebook:</strong></td>
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<td>123-133, 138-140, 178-180 (J.N. Moore, ch. 4)</td>
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<td><strong>Optional Readings for February 8-13:</strong></td>
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<td><strong>Readings, On Reserve:</strong></td>
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<td>#5 John Norton Moore, <em>Jus ad Bellum</em> Before the International Court</td>
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<td><strong>Course Reader, v. 1:</strong></td>
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<td><em>Excerpts from cases heard at the International Court of Justice</em>—</td>
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<td>101(insert A) Corfu Channel Case (U.K. of Great Britain and Northern</td>
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<td>Ireland v. Albania), 1949 I.C.J. (April 9)</td>
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<td></td>
<td>101(insert B) Case Concerning Oil Platforms (Islamic Republic of Iran</td>
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<td>101(insert C) Legal Consequences of the Construction of a Wall in the</td>
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<td>Occupied Palestinian Territory (request for advisory opinion) 2004 I.C.J.</td>
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<td>(July 9)</td>
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<td><strong>Course Reader, v. 1:</strong></td>
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<td>101(insert D) Keith Petty, “Veiled Impunity: Iran’s Use of Non-State</td>
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<td><strong>February 15</strong></td>
<td>4. Illustrative Case Study: The Indo-China War</td>
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<tr>
<th>Date</th>
<th>Topics</th>
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| March 10  | More: National Security Law, Spring 2017, UVa Casebook: 133-138 (J.N. Moore, ch. 4)  
| February 20 | 5. Illustrative Case Study: The Secret War in Central America  
| Casebook: | 140-154 (J.N. Moore, ch. 4)  
| On Your Own | Review the assigned readings for this section on your own:  
| 6. Illustrative Case Study: The Grenada Mission  
| Casebook: | 162-166 (J.N. Moore, ch. 4)  
| February 22 | 7. The Gulf War: An Illustrative Case Study of Security Council Action  
| *NOTE: Because of the multiplicity of readings for this date, first review those under “9. The September 11 attack, the response in Afghanistan, and the War on Terrorism,” and “10. The War in 10  

Iraq.” After this, you are required to read General and choose at least two of the six country case studies below based on your interest. The remaining four are optional.

Course Reader, v. 1:

General:

President Obama’s speech the UN General Assembly on Sept. 24, 2013 – https://www.washingtonpost.com/politics/transcript-president-obamas-speech-at-the-un-general-assembly/2013/09/24/64d5b386-2522-11e3-ad0d-b7c8d2a594b9_print.html [Skim]


Libya:


Insert H Testimony by Legal Adviser Harold Koh, U.S. Department of State, on Libya and War Powers, June 28, 2011 (http://www.state.gov/s/l/releases/remarks/167250.htm)

Yugoslavia:


195-96 Amendment to H.R. 4301, as reported, offered by Mr. McCloskey, Mr. Gilman, Mr. Bonior, Title XII - Bosnia and Herzegovina Self-Defense

197-202 Administration Talking Points Regarding McCloskey/Gilman Amendment

Somalia:


225-30 *skim* Letter Dated 29 November 1992 from the
<table>
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<tr>
<th>Date</th>
<th>Topics</th>
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</table>
| February 27 (cont’d) | Secretary-General Addressed to the President of the Security Council, U.N. Doc. S/24868 (1992)  
|                  | 231-64 skim Report to the Congress on US Policy in Somalia, October 13, 1993                                                        |
|                  | **Haiti:**                                                                                                                                 |
|                  | 267 UN General Assembly Res. 46/7 (1991)                                                                                              |
|                  | **Rwanda:**                                                                                                                                 |
|                  | **Kosovo:**                                                                                                                                 |
|                  | 349-51 UN Security Council Resolution 1160 adopted on March 31, 1998                                                                  |
|                  | 352-54 UN Security Council Resolution 1199 adopted on September 23, 1998                                                            |
|                  | 355-56 Understanding the Rambouillet Accords: US Dept. of State, Bureau of European Affairs, Fact Sheet: March 1, 1999                   |
|                  | 357-59 Address to the Nation: March 24, 1999, President William Clinton                                                             |
|                  | 360-61 US and NATO Objectives and Interests in Kosovo: US Department of State, Fact Sheet: March 26, 1999                             |
|                  | 362 Letter from the President to the Speaker of the House of Representatives and the President of the Senate: April 5, 1999           |
|                  | 363 Letter from the President to the Speaker of the House of Representation:  

Representatives and the President of the Senate: April 7, 1999
364-75 Kosovo Chronology: Department of State, May 21, 1999
376 Letter from the President to the Speaker of the House of Representatives and the President of the Senate: May 26, 1999
377-78 Erasing History: Ethnic Cleansing in Kosovo: US Department of State Report, May, 1999
379-80 Indictment of Slobodan Milosevic and Other Serb Officials: US Department of State Fact Sheet: May 28, 1999
381-83 Remarks to Kosovar Albanians at the US Institute of Peace Conference: Secretary of State Madeleine K. Albright, September 14, 1999
384-89 Kosovo and Yugoslavia: Law in Crisis, Prof. Robert Hayden
390-91 Legal Basis for NATO Military Action . . . The Balkan Action Council: April 1, 1999
392-93 Legality of the NATO Action, John M. Rogers, University of Kentucky College of Law
394-95 The Kosovo Situation and Military Action, Frederic L. Kirgis, ASIL Insight March, 1999
396 Comment, Branko M. Rakic, ASIL Insight, March, 1999
397-98 World Court Rejects Yugoslav Requests to Enjoin . . . Peter H.F. Bekker and Christopher J. Borgen, ASIL Insight June, 1999
399-400 Indictment of Slobodan Milosevic, Michael P. Scharf, ASIL Insight, June 1999

February 27 (cont’d) 9. The September 11 attack, the response in Afghanistan, and the War on Terrorism

Course Reader, v. 1:
402-03 What is Article 5? NATO Decision regarding NATO and the Scourge of Terrorism
404-09 Jonathan I. Charney, Editorial Comments: The Use of Force Against Terrorism and International Law, 95 AJIL 835 (Oct. 2001)
March 1

10. The War in Iraq
   • Legal & Policy Issues on the War in Iraq: A Debate (Prof. Moore vs. Prof. Turner)

Documents:
   2:19 U.N. Security Council Resolution 1441, adopted Nov. 8, 2002

Course Reader, v. 1:

Optional Readings for March 1:
   Course Reader, v. 1:
   420i-20j Rumsfeld’s Memo of Options for Iraq War, Nov. 6, 2006
   420k-20n Iraq Study Group Report: Executive Summary, Dec. 6, 2006

* * * SPRING BREAK March 5-10 —No Classes Meet * * *

March 13

D. Human Rights for Contexts of Violence: Norms Concerning the Conduct of Hostilities: Jus in Bello

Guest Speaker:
   Col. David Graham
   Center for National Security Law

1. Theoretical and Historical Overview
   - General Principles
   - Applicable Conventions

Casebook:
   321-336 (H. Levie, J. Grunawalt, & D. Graham ch. 6)
**March 15**


**Guest Speaker:**
Col. David Graham  
Center for National Security Law

**Casebook:**
336-59, 362-365  
(H. Levie, J. Grunawalt, & D. Graham, ch. 6)

**Course Reader, Volume 2:**
Insert A  

3. Procedures for Implementation and Enforcement (including Reprisals and Protecting Powers)

**Casebook:**
359-62  
(H. Levie, J. Grunawalt, & D. Graham, ch. 6)
March 20

E. War Crimes and the Nuremberg Principles

Casebook:
413-455 (M. Scharf, ch. 8)

Documents:
2:34 Nuremberg Trials Final Report (1945)
2:35 Affirmation of the Principles of International Law Recognized by the Charter of the Nürnberg Tribunal (1946)

F. Illustrative Case Studies: War Crimes in the Gulf War and in the Yugoslav (Bosnia-Herzegovina, Croatia, Serbia) Conflict

Course Reader, Volume 2:

Gulf War:
450-52 UN General Assembly Res. 45/170 (1990)

Yugoslav Conflict:

Documents:
2:36 UN Security Council Resolution 780 (1992)

G. The International Criminal Court
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<th>Topics</th>
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<tr>
<td><strong>Readings, On Reserve:</strong></td>
<td>#7 <em>Origin of the International Criminal Court</em></td>
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<tr>
<td><strong>Documents:</strong></td>
<td>2:39 Rome Statute of the International Criminal Court (1998) [Skim]</td>
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<tr>
<th>March 22</th>
<th>H. International Terrorism and Its Control: The Events of September 11 and Their Aftermath</th>
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<tr>
<td><strong>Casebook:</strong></td>
<td>485-522 (J. Murphy, ch.10)</td>
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| **Readings, On Reserve:** | #8 J. Moore, *Civil Litigation Against Terrorism: Neglected Promise*, in *LEGAL ISSUES IN THE STRUGGLE AGAINST TERROR* 197, 231-234 (Moore & Turner, eds., 2010) [a draft protocol to UN anti-terrorism conventions].  
| **Online (skim):** For greater granularity about ISIS see the following links: |  
http://www.pbs.org/wgbh/frontline/film/rise-of-isis/ (video program)  
See also the Institute for the Study of War: http://www.understandingwar.org/ |
| **Documents:** | Choose One of the following Three:  
2:42 *Skim* Tokyo Convention on Offenses and Certain other Acts Committed on Board Aircraft (1963)  
2:46 *Skim* Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomatic Agents (1973) |
## Date | Topics
--- | ---
18 Mo | Moore: National Security Law, Spring 2017, UVa
2:48 | *Skim* International Convention against the Taking of Hostages (1979)

### I. Domestic Terrorism

**Casebook:**
1463-1477 (M.E. Bowman, ch. 33)

### March 27

#### III. Strategic Stability and Arms Control & American Security Doctrine

#### A. Theoretical and Historical Overview

**Casebook:**
839-57 (A. Coll, ch. 18)
563-96 (R. Lehman, G. Roberts, & D. Mahley ch. 13)

**Documents:**
1:1 Washington’s Farewell Address: The American Interest in Diplomatic Freedom, Sept. 17, 1796 [Skim]
1:5 George Kennan, The Long Telegram, Feb. 22, 1946* [Skim]
1:8 National Security Council Memorandum # 68 [1950] [Skim]
2:7 North Atlantic Treaty, 1949 [Skim]
4:13 Final Warsaw Declaration: Toward a Community of Democracies (2000) [Skim]

#### B. Nuclear Weapons and Their Effects

**Casebook:**
673-82 (R. Lehman, G. Roberts, & D. Mahley ch. 13)

*For those who are interested, see also U.S. INSTITUTE OF PEACE, ORIGINS OF THE COLD WAR: THE NOVIKOV, KENNAN, AND ROBERTS “LONG TELEGRAMS” OF 1946 (1991), which contains full texts of the telegrams: from George Kennan, U.S. Chargé d’Affaires in Moscow, to the U.S. State Department (Feb. 22, 1946); from Nikolai Novikov, Soviet Ambassador to the United States, to Soviet Foreign Minister Viacheslav Molotov (Sept. 27, 1946); and from Frank Roberts, Britain’s Chargé d’Affaires in Moscow, to British Foreign Minister Ernest Bevin (March 1946).

### March 29

C. Strategic Arms Limitation Talks (SALT I & II) and Strategic Arms Reduction Talks (START I, II, & III) and Resulting Treaties and Agreements

**Casebook:**
596-625 (R. Lehman, G. Roberts, & D. Mahley ch. 13)
Documents:
  3:21  ABM Treaty, 1972
  3:22  SALT I, 1972 [excerpts]
  3:30  START II, 1993 [excerpts]

D. Mutual Balanced Force Reduction/Conventional Armed Forces in Europe Talks (MBFR/CFE) and Theater Nuclear Force/Intermediate-Range Nuclear Force Talks (TNF/INF) and Resulting Treaties

Casebook:
  625-73; 682-90  (R. Lehman, G. Roberts, & D. Mahley, ch. 13)

Documents:
  3:17  CFE Treaty 1990 [excerpts]
  3:18  White House Fact Sheet on CFE
  3:19  CFE Treaty 1999 [excerpts]
  3:26  INF Treaty, Dec. 8, 1987 [excerpts]

E. Contemporary Issues: Nonproliferation and Counter-proliferation of Nuclear, Chemical, and Biological Weapons and Ballistic Missiles

  - Non-Proliferation Treaty (NPT), July 1, 1968 and recent review conference
  - Chemical Weapons Convention (CWC), January 13, 1993
  - Biological Weapons Convention, April 1972
  - Missile Technology Control Regime (MTCR)
  - Comprehensive Nuclear Test Ban Treaty (CTBT)

Course Reader, v. 2:
  597-600  Agreed Framework Between the United States of America and the Democratic People’s Republic of Korea, Geneva (Oct. 21, 1994) [Skim]
  601-04  Letter of Transmittal to the Senate of the White House from President William J. Clinton: September 22, 1997
  605-06  Why Ratify the CTBT? Bureau of Arms Control Fact Sheet: October 8, 1999 [Skim]
<table>
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<tr>
<th>Date</th>
<th>Topics</th>
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<tr>
<td>20 Mo</td>
<td>More: National Security Law, Spring 2017, UVa</td>
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<td>607-10</td>
<td>CTBT Facts and Fiction: US Department of State, October 8, 1999 [Skim]</td>
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<td>611-26</td>
<td>Decision Briefs: October 11-12, 1999, Center for Security Policy [Skim]</td>
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</tbody>
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**Documents:**

| 3:7     | Non-Proliferation Treaty [excerpts] (1968)                             |
| 3:39    | Missile Technology Control Regime (formed 1987)                       |

1993-2006 North Korean Violation of NPT as a Case Study

**Course Reader, v. 2:**


F. United States-Russian Strategic Cooperation

**Course Reader, v. 2:**


G. National Missile Defense

**Course Reader, v. 2:**


**April 3 IV. National Institutional Framework**

A. The Constitutional Framework for the Division of National Security Powers Between Congress and the President
1. Historical Background and General Principles

Casebook:
859-903  (R. Turner, ch. 19)

April 5

2. The Authority of Congress and the President to Conclude, Interpret, and Terminate Agreements Relating to National Security

Casebook:
973-1007  (R. Dalton, ch. 21)

3. The “Dual vs. Unitary” Theory Debate Arising from the “Broad-Narrow” Issue in Interpreting the Anti-Ballistic Missile (ABM) Treaty

Course Reader, v. 2:


Optional Readings for April 5:

Course Reader, v. 2:


April 10*

4. The Authority of Congress and the President to Use the Armed Forces Abroad

Guest Speaker:  *Rescheduled to April 17
Robert F. Turner
Associate Director, Center for National Security Law
Date  Topics

**Casebook:**
927-57 (R. Turner, ch. 20)

**Course Reader, v. 2:**

5. The War Powers Resolution

**Casebook:**
957-72 (R. Turner, ch. 20)

**Course Reader, v. 2:**

**Documents:**
5:29 National Commitments Resolution (1969)
5:30 War Powers Resolution (1973)
5:31 Nixon’s Veto of the War Powers Resolution

**Readings, On Reserve:**

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**April 12**  B. The National Security Process

**Casebook:**
1009-40 (J. Baker, ch. 22)

**Documents:**
5:1 National Security Act of 1947

**Plus:** Organizational Charts of the U.S. National Security Process and the Chains of Command, including: U.S. Department of State, U.S. Department of Defense, Joint Chiefs of Staff, Combatant Chain of Command, National Security Council, Central Intelligence Agency, Relevant Senate Committees, and Relevant House Committees
April 17

C. Secrecy, Access to National Security Information, and the Classification System

Casebook:
1087-1130 (R. Turner, ch. 24)

Documents:
5:49 Executive Order 13292 on National Security Information [Skim]
5:50 Executive Order 13381 on eligibility for access [Skim]

D. Intelligence and Counterintelligence

Casebook:
1041-86 (Morgan & Fredman, ch. 23)

Documents:
5:54 Skim Executive Order 12333 on U.S. Intelligence Activities
5:56 Hughes-Ryan Amendment (intelligence oversight, 1991)
5:61 Intelligence Reform and Terrorism Prevention Act of 2004

E. The Foreign Intelligence Surveillance Act

Casebook:
1201-20 (M. Shadel, ch.27)

Documents:
5:53 Skim Foreign Intelligence Surveillance Act (1978)

Optional Readings for April 17:

Course Reader, v. 2:


Supplementary Online (skim per your interest)

April 19  V.  Individual Rights and Accountability

A. Freedom of Expression, Protection of Privacy, and National Security

1. The First Amendment of the United States Constitution and National Security

Casebook:
1131-68 (R. O’Neil & J. J. Wheeler ch. 25)

2. The Fourth Amendment of the United States Constitution and National Security

Casebook:
1169-99 (M.E. Bowman, ch. 26)

B. Detainee Rights

Casebook:
457-83 (J. Altenburg & T. Nachbar, ch. 9) [skim]

Optional Readings for April 19:

Course Reader (briefly skim these excerpts), v. 2:

On Your Own  Review the suggested readings for this section on your own:

C. National Security Violations

Casebook:
1221-64 (J. Breinholt, ch. 28)

April 24  VI.  Other National Legal Issues

A. Homeland Security

Casebook:
1417-62  (S. Spaulding, ch. 32)
Documents:
5:6 Posse Comitatus Act (1878)
5:9 Homeland Security Act of 2002

B. Law and Warfare in the Cyber Domain

Casebook:
537-62 (P. Rosenzweig, ch. 12)

On Your Own
Review the suggested readings for additional issues that can be read based on your own personal interest.

C. The Environment and National Security

Casebook:
1479-1553 (J. Cruden, ch. 34)

Course Reader, v. 2:
831-33 UN General Assembly Res. 47/37 (1992)

D. Security Aspects of Oceans Law

Casebook:
755-83 (H. Robertson & J. Kraska, ch. 15)

April 26 VII. Economic Sanctions and Export Control

A. An Introduction to Economic Sanctions

Casebook:
1315-48 (R.R. Newcomb & M. Roberts, ch. 30)

B. An Introduction to Export Controls

Casebook:
1389-1410 (L. Christensen & A. Cotterill, ch. 31)

Classes end April 28, 2017
JOHN NORTON MOORE

John Norton Moore is the Walter L. Brown Professor of Law at the University of Virginia School of Law. He also directs the University’s Center for National Security Law and the Center for Oceans Law & Policy and was the Director of the Graduate Law Program at Virginia for more than twenty years. Viewed by many as the founder of the field of national security law, Professor Moore chaired the prestigious American Bar Association’s Standing Committee on Law and National Security for four terms. He is the author or editor of over 25 books and over 165 scholarly articles and served for two decades on the editorial board of the American Journal of International Law and is currently an honorary editor of the Journal. He is a member of the Council on Foreign Relations, the American Law Institute, the American Society of International Law, the Order of the Coif, Phi Beta Kappa, and numerous other professional and honorary organizations.

In addition to his scholarly career, Professor Moore has a distinguished record of public service. Among seven Presidential appointments, he has served two terms as the Senate-confirmed Chairman of the Board of Directors of the United States Institute of Peace and, as the first Chairman, set up this new agency. He also served as the Counselor on International Law to the Department of State, and as Ambassador and Deputy Special Representative of the President to the Law of the Sea Conference, Chairman of the National Security Council Interagency Task Force on the Law of the Sea, and as a member of the United States’ legal team before the International Court of Justice in the Gulf of Maine and Paramilitary cases (a Deputy Agent for the United States in the Paramilitary case). Professor Moore served as a Member of the Director of Central Intelligence’s Historical Review Board from 1998-2002.

In the recent past, he has served as a Consultant to both the President’s Intelligence Oversight Board and the Arms Control and Disarmament Agency. He has also been a member of the National Advisory Committee on Oceans and Atmosphere, the United States Delegation to the Conference on Security and Cooperation in Europe, and the Presidential Delegation of the United States to observe the elections in El Salvador. In 1990, he served, with the Deputy Attorney-General of the United States, as the Co-Chairman of the United States-USSR talks on the Rule of Law. He also served as the legal advisor to the Kuwait Representative to the United Nations Iraq-Kuwait Boundary Demarcation Commission. Currently he is also a consultant to the OSS Society.