First Assignment:

LEGAL ISSUES AND TERRORISM - POST 9/11

Professor Honigsberg

Spring 2013

All the readings can be found on TWEN.
For the first class, please read and be prepared to discuss:

1. The Presidential War Powers – Constitutional Provisions Relating to War Powers.
2. United States v. Curtiss-Wright Export Corp.
3. Korematsu v. United States
4. Youngstown Sheet and Tube Co. v Sawyer -- Jackson concurrence
5. Gulf of Tonkin Resolution
6. Orlando v Laird
7. War Powers Resolution 50 USC Secs 1541-1547
8. Public Law 107-40, Joint Resolution for the Use of Force After 9/11
9. Bush declaring Jose Padilla an Enemy Combatant, June 9, 2002
10. Declaration of Michael Mobbs re Jose Padilla
11. Padilla v Yoo, 9th Circuit, May 2012.

Notes:

1. Weekly reading assignments will be approximately 60 pages in length. In addition to the weekly readings, students will also be required to hand in a reflection piece of 480-500 words on a topic related to the assigned readings. No reflection piece is due for the first meeting.

2. Students on the waitlist must come prepared by reading the first week's assignment.

3. The syllabus will be developed weekly and is on TWEN. Please see the syllabus for requirements regarding participation, attendance, weekly reflection pieces, grading and other issues.

I look forward to meeting you.

Peter Jan Honigsberg
Professor of Law

LEGAL ISSUES AND TERRORISM

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Syllabus

Course and Materials

A broad outline of the topics that we plan to cover this semester appears below. Because of the nature of the course, the topics will necessarily overlap. As the class unfolds and events occur in the real world, we will supplement the materials, and possibly modify the subject matter. We may also bring in a guest speaker. Weekly reading assignments will be approximately 60 pages in length.

New assignments will be added each week to this syllabus, depending on our coverage the previous week. Most of the materials are on TWEN, however we may provide additional handouts in class.

To access supplemental documents on TWEN, click on the "Course Materials" folder on TWEN, check the box next to the document or documents that you would like to download, then go to "Actions" and then "Batch Download." If you click on the file instead, the file will be opened via your web browser and will likely be more difficult to read.

Requirements for the Class

1. Students' participation is critical to this course. Therefore, everyone will be expected to be fully prepared for each class and to participate voluntarily as well as when called upon. Please do not access the Internet in class, unless authorized.

2. You may miss one class. If you miss more than one class, your semester grade will drop by one-third for the second missed class. If you miss more than two classes you will have missed more than 20% of the course, in violation of ABA and USF Law School rules, and you will not receive credit for the course. Please do not come late to class. Arriving late 2 times will be considered equal to an absence.

3. In addition to the weekly readings, students will also be required to hand in a reflection piece of 480-500 words on a topic related to the assigned readings. I will read your pieces, but not comment on them. These assignments are designed to assist you in reflecting on the readings assigned each week. Your papers will also assist me in assessing whether students are understanding the materials and also in helping me identify the topics that are most interesting and engaging to the class. We can then focus on these interesting topics and issues in more depth.

4. All reflection pieces must be submitted in hard copy at the beginning of the next class

meeting, be on time and in good faith. (I will inform you if you do not receive credit.) If you miss the class, you may either give your paper to another student to submit for you on time, or email it to me before class begins. Each paper must be two pages, between 480 and 500 words, double-spaced, in 12 point type and stapled. Please put word count on page one. No reflection piece is due for the first meeting.

5. All research papers -- including those used to satisfy the upper level writing requirement -- must be personally handed in by the end of class on April 1st. Your semester grade will drop by one-third for each hour late.

6. All research papers must be at least 20 pages, double spaced, 12 point type, including footnotes/endnotes, and one-inch margins all around each page.

7. If you are using the researchpaper to satisfy your upper level writing requirement, the paper must be at least 25 pages, double spaced, 12 point type, including footnotes/endnotes, and one-inch margins all around each page.

8. There is a maximum word court of text of 6500 words (not including footnotes/endnotes) for all research papers. You must provide a word count of text on the cover page.

9. Each student will be required to give a formal presentation to the class discussing his/her research paper on a topic related to the course. Presentations will be between 20-30 minutes, including class questions and discussion. The presentations will begin on Monday, March 25 and will continue until everyone has presented.

10. You must meet with me to review the topic of your research paper by week three. It is important that the topic corresponds with the legal issues raised in the course and does not overlap to any great extent with another student's paper. I will suggest topics, or you can select your own, as long as it is approved. Your research paper must have a clear and identifiable thesis.

11. You must submit your thesis and a two-page outline by February 4th.

12. **Grading**

Your research paper, along with your presentation of the paper, will constitute two-thirds of the grade.
Your class preparation, participation and weekly reflection pieces will together equal one-third.

Course Coverage

The major topics that we will cover in this course are the following:

History/Background
Application of the Geneva Conventions to the War on Terror
Detentions in America
Detentions in Guantanamo, including suicides and deaths in GTMO
Right of Habeas Corpus and Boumediene and its Legacy
Extraordinary Rendition
Torture/Cruel, Inhuman and Degrading Treatment (CID) and the Torture Memos
Military Commissions, past and current hearings
Current Issues: including Closing Guantanamo; Bagram as detention center; and National Defense Authorization Act.

Assignments:
Please read and be prepared to discuss:

Week One:

1. The Presidential War Powers – Constitutional Provisions Relating to War Powers.
2. United States v. Curtiss-Wright Export Corp.
3. Korematsu v. United States
4. Youngstown Sheet and Tube Co. v Sawyer -- Jackson concurrence
5. Gulf of Tonkin Resolution
6. Orlando v Laird
7. War Powers Resolution, 50 USC Secs 1541-1547
8. Public Law 107-40, Joint Resolution for the Use of Force After 9/11
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