

**Law 250 – 101 Senior Research Seminar:  
“International Law, the Constitution, and the War on Terror since 9/11”**

**Prof. Alberto R. Coll**  
**Lewis 945**  
**(312) 362-5663**

**Office hours:**  
**M, W, 1500-1630**  
**and by appointment**  
[acoll@depaul.edu](mailto:acoll@depaul.edu)

**Class hours and location: 1:00 – 2:40 PM, Lewis 516**

**Course description:** This seminar focuses on the complex international legal and domestic constitutional issues posed by the U.S. government’s responses to the terrorist attacks of September 11, 2001. It covers two broad areas. The first area is the domestic dimension of the government’s war on terror, including:

- the USA Patriot Act,
- changes in domestic intelligence and law enforcement agencies,
- the main prosecutions to date against alleged terrorists,
- the controversies over warrantless wiretapping,
- cases in which the government has sought to detain indefinitely on U.S. soil terrorist suspects, including American citizens,
- the administration’s extensive claims of “inherent powers” for the president in the conduct of the “war on terror”,
- the marked increase in the use of elaborate “signing statements” by the president in many pieces of legislation, including national security matters

The second area encompasses the implications for U.S. constitutional law and international law of the following:

- the Bush “doctrine of preemption”,
- the invasion and occupation of Afghanistan and Iraq,
- the practice of “extraordinary rendition”,
- the treatment, long-term confinement and torture of detainees at Guantanamo, Abu Ghraib, Afghanistan, and various undisclosed locations around the world,
- the controversy over what trial procedures and judicial processes, if any, should be accorded to detainees held by the US government.

For their papers, students will research selected topics among these, focusing on the interaction between constitutional and international law.

**Teaching objective:** The purpose of this seminar is two-fold. First, it is to enable students to gain a better understanding of the domestic and international legal dimensions of the “war on terror” as currently pursued by the United States government. Second, students will have to research and write a major paper analyzing a specific legal issue posed by “the war on terror”, thereby further developing their analytical and writing skills as lawyers.

**Mode of instruction:** There will be a combination of Socratic-method case analysis, intensive group discussions of particular issues, some simulations pitting government viewpoint advocates against critics of government policies, and oral presentations by students on their individual paper topics.

**Course materials:** Dycus, Banks, and Raven-Hansen, **COUNTERTERRORISM LAW** (2007)

**Grade Evaluation:** 70% of the grade will be based on the quality of the seminar research paper; 10% on the quality of the paper's oral presentation; 20% of the grade on attendance and the quality of participation in seminar discussions

**Jan 19** Introduction

**Jan 26** **Dycus, 3-38: Defining Terrorism and Counterterrorism**

Cases briefed: *People's Mojahedin, Afshari, Almog, Saperstein*

**Topic/Outline A-H**

**Feb 2** **Dycus, 41-80: Waging War on Terrorists, and Targeted Killing**

Cases briefed: *The Prize Cases, Bas*, and 1989 Memorandum by W. Hays Parks on Assassination

**Topic/Outline I-P**

**Feb 9** **Dycus, 111-174: The Foreign Intelligence Surveillance Act (FISA)**

Cases briefed: *Smith v. Maryland, Rosen, In Re: Sealed Case, ACLU v. NSA*

**Topic/Outline Q-Z**

**Feb 16** **Dycus, 311-348: Suspending the Great Writ of Habeas Corpus**

Cases briefed: *Ex parte Milligan, Eisentrager, Rasul, Boumediene I, II*

**Feb 23** **Dycus, 349-398: Military Detention of Terrorist Suspects**

Cases briefed: *Ex Parte Milligan*, *Ex Parte Quirin*, *Hamdi*, *Rumsfeld v. Padilla*, *Padilla v. Hanft*

**Mar 2**      **No class -      Student consultations**

**Mar 9**      **No class –      All drafts due**

**Mar 16**     **No class -      Student consultations**

**Mar 23**     **Spring Break**

**Mar 30**     **Seminar presentations**

**Apr 6**      **Seminar presentations**

**Apr 13**     **Seminar presentations**

**Apr 20**     **Seminar presentations**

**Apr 27**     **Seminar presentations**

**All papers due Friday, May 1, 9 AM**