George Mason University  
Schar School of Policy and Government  
Govt 444.005  
**Foreign Intelligence and Civil Liberties**  
Tuesdays and Thursdays 1:30 – 2:45; Lecture Hall 1  
Syllabus -- DRAFT

Teacher: Robert L. Deitz, rdeitz@gmu.edu (phone: (703) 993-3480).  
I am in my office (Rm 674 in Founders Hall, Arlington) most week days.  
To schedule an appointment, please phone or email. I understand that for students in Fairfax, it is difficult to get to Arlington. I can meet with students before or after class. One way or another, we will figure out a way to talk.


**Required readings:**

On the Web:


Course Description

Most citizens of modern democratic societies distrust secretive and powerful entities. The U.S. intelligence community is both. This course will focus on the intersection of national security concerns and civil liberties. Looking at relevant literature from the disciplines of philosophy and political science, we will explore the conflict between the powers of the state and the liberties of the individual. We will then apply that structure to the U.S. foreign intelligence apparatus, discuss its authorities, limits, and oversight mechanisms, and then begin a case study into some current intelligence controversies. In addition to a quiz, mid-term and final exams, students will participate in a practicum, an analysis of hypothetical problems.

Learning outcomes

1. An understanding of the U.S. Foreign Intelligence Community, its structure, authorities, limits, and oversight mechanisms.
2. An understanding of the conflict between the powers of the state and the liberties of the individual.

Evaluation

Student evaluations will be comprised of the following: Week Five quiz: 10%; Week Eight mid-term: 30%; Final exam: 40%; Weeks Thirteen and Fourteen practicum: 10%; Class participation: 10%. The quiz will be short answer/multiple choice. The mid-term and final exams will be in-class, essay-style tests; students will be able to choose the questions they wish to answer from an extensive menu. The weeks 12 and 13 practica will involve teams discussing hypothetical, yet realistic, intelligence problems.

Schedule

Week One (both sessions): Introduction. What this course is about. Brief history of U.S intel. Epistemological problems. How do you know what you think you know? Assignment: Book VII from Plato’s Republic (The Allegory of the Cave) (read up to and including the discussion of geometry, a little more than half way through the dialog); Lowenthal, pp. 1-28.

Week Two (both sessions): Where does the state get off conducting intelligence operations? The social contract. Assignment: Hobbes, Leviathan (Second Part, Ch. 18; Locke, The Second Treatise of Government (Chs. XIV, XV).

Week Three (both sessions): What are the rights of the people? Assignment: Hobbes, op. cit. (Ch. 13); Mill, On Liberty (Ch. 1).
Week Four (both sessions): Competing Rights: when the needs of the state conflict with the rights of the people. Assignment: Mill, op. cit. (Ch. 2); Schenk v. United States, 249 U.S. 47 (1919); The Steel Seizure Case, 343 U.S. 579 (1952) (Jackson, J., concurring opinion).


Week Six (both sessions): Intel Process part 2. Assignment: Lowenthal, Chapters 7, 8.

Week Seven (both sessions): The Role of the Policy Maker. Assignment: Lowenthal, Chapter 9.

Week Eight (first session): Mid-term exam. Second session: Same as Week Seven.

Week Nine (both sessions): Authority and Constitutional Limits. What is the authority of the Executive to conduct intelligence-gathering activities? What are the limits, if any, that the Congress may place on the Executive? What are the rights of the people with respect to intelligence gathering? Assignment: Articles I, II and the Fourth Amendment of the U.S. Constitution; United States v. United States District Court, 407 U.S. 297 (1972).

Week Ten (both sessions): Oversight of intel activities by the Congress, by the Executive Branch, by the IG, and by the press. Assignment: Lowenthal, Chapter 10. View a speech at: http://www.c-spanvideo.org/program/195596-4 at approximately the 43 minute mark.

Week 11 (both sessions): Ethical issues in the conduct of foreign intelligence. Assignment: Lowenthal, Chapter 13.

Weeks Twelve (both sessions) and Thirteen (both sessions): An intel practicum.

Week Fourteen (both sessions): Grand Finale.

Final Exam.

Academic Accommodation for a Disability

If you are a student with a disability and you need academic accommodations, please see me and contact the Disability Resource Center (DRC) at 703-993-2474. All academic accommodations must be arranged through the DRC.