

Saint Leo University
CRM 361
Legal Issues in Counter-Terrorism

Course Description:

This course provides a comprehensive overview of legal issues attendant to international terrorism. In particular, students will examine the “War on Terror” and the tension between approaches based on criminal law enforcement versus a military or warrior basis. A special emphasis will be placed on the interrelationship between United States law and international law and agreements. The course will address current efforts in counter-terrorism, with special emphasis on recent federal prosecutions for terrorist acts or aiding terrorist organizations. As a criminal justice course, this study will include historical and political information and current, relevant information on counter-terrorism objectives and methods.

Prerequisites:

POL123 and CRM 220

Textbooks:

Abrams, N. (2017). *Anti-Terrorism and Criminal Enforcement* (5th Ed.). St. Paul, MN: Thomson /West Academic Publishing.
ISBN-13: 978-1-638-28865-7

American Psychological Association. (2009). *Publication manual of the American Psychological Association* (6th ed.). Washington, DC: Author. ISBN-13: 978-1-4338-0561-5

Learning Outcomes:

Upon completion of this course, students will be able to:

1. Demonstrate an understanding of the Saint Leo University core value of integrity as it relates to combating terrorism.
2. Identify anti-terrorism legislation, federal and state roles in anti-terrorism enforcement, and how agencies share information.
3. Define terrorism crimes and identify enforcement policies.
4. Focus on prosecutable offense of “Providing Material Support to a Foreign Terrorist Organization.”
5. Consider the concept of “War” in the fight against terrorism.
6. Study the principle of “extended detention” for witnesses, aliens, and enemy combatants.
7. Examine the legal authority of Military Tribunals.
8. Compare civilian prosecution of terrorists and supporters of terrorism, and related problems risking exposure of classified information.
9. Examine domestic surveillance activities and authorities.
10. Consider the role and restrictions of the military in domestic law enforcement.
11. Consider the role and limits of U.S. Agents acting abroad.

Core Value:

Integrity: The commitment of Saint Leo University to excellence demands that its members live its mission and deliver on its promise. The faculty, staff, and students pledge to be honest, just, and consistent in word and deed.

Evaluation:

Assignment	% of final grade
Discussions (8)	20%
Case Briefs (4)	40%
Course Quizzes (4)	40%
Total	100%

Grade	Score (%)
A	94-100
A-	90-93
B+	87-89
B	84-86
B-	80-83
C+	77-79
C	74-76
C-	70-73
D+	67-69
D	60-66
F	0-59

Discussions:

A discussion question will be posted for each module. The student is responsible for answering each question and then responding to a minimum of two other student replies. The student's grade will be determined by the extent and thoroughness of the response to each question as well as respectful responses to other student replies.

Case Briefs:

Each student will brief four court cases relating to anti-terrorism enforcement and prosecution. Each paper should be a minimum of two pages in length and conform to the case brief format provided below. These briefs will focus on the assigned case and reflect on the course material, make application to "real-world" situations, and allow students to obtain a more thorough understanding of the complex legal issues involved in terrorism-related litigation and prosecution. Briefs are due in Modules 1, 3, 5, and 7.

Quizzes:

Each quiz will consist of 10 objective-type questions (multiple-choice, true-or-false) and five short-answer essay questions. The quizzes are assigned in Modules 2, 4, 6, and 8.

Written Assignments and the APA Format:

The Department of Criminal Justice recognizes the value of excellence in writing for students in Criminal Justice. In part, each professor is expected to provide guidance on improving a student's writing skills. Students are required to use only the APA (American Psychological Association) format to write and develop a scholarly paper for submission in the Social Sciences. APA has been adopted by the Department as its writing standard for all academic written assignments. No other writing style is acceptable.

APA is the American Psychological Association, and the style is one of many in the academic world used to regulate the language, citations, procedure, and formatting of manuscripts and other examples of writing in the social sciences. Please be consistent throughout each written paper. *Refer to APA Guide under Resources on the Course Menu for APA specifics.*

All projects, assignments, or papers submitted for grading will be required to include an abstract and reference page. All references are to be cited using the American Psychology Association (APA) format (6th edition). Other formats will not be accepted. For each scholarly paper and group assignment(s), the work will be assessed using an individual grading rubric for each assignment. This tool and process helps the students identify and professor measure the key points necessary to successfully complete written or group assignments. *Wikipedia is not an appropriate source for any scholarly writing and is not permitted for any assignment in this program.*

Course Schedule:

Module 1 What is Terrorism?

Objectives

When you complete this module, you should be able to:

- Recognize the importance of defining “terrorism” in regard to criminal prosecutions.
- Explain the statutory definitions of international and domestic terrorism as defined in 18 U.S.C. § 2331.
- Articulate the criminal penalties regarding terrorism as defined in 18 U.S.C. § 2332.
- Recognize the designation of a “terrorist organization” under 8 U.S.C. § 1189 as well as those specific organizations listed by the U.S. government as terrorist organizations.
- Articulate the definition of extraterritorial jurisdiction and become familiar with the case of *United States v. Yousef*, 327 F.3d 56 (2d Cir. 2003).

Assignments

Items to be Completed:	Due No Later Than:
Read assigned materials	
Post your introduction to the class	Thursday 11:59 PM EST/EDT
Post an initial response to the discussion question	Thursday 11:59 PM EST/EDT
Post responses to at least two classmates	Sunday 11:59 PM EST/EDT
Submit Case Brief 1	Sunday 11:59 PM EST/EDT

Module 2 Supporting Terrorist Activities and the Organizations that Sponsor Terrorism

Objectives

When you complete this module, you should be able to:

- Recognize the key, prosecutorial elements of Title 18 United States Code § 2339, § 2339B.
- Define the terms “material support or resources,” “training,” “military-type training,” “expert advice or assistance,” “critical infrastructure,” and “terrorist organization” in relation to 18 United States Code § 2339A, § 2339B and § 2339D.
- Describe the “mens rea” elements Title 18 United States Code § 2339, § 2339B.
- Discuss the judicial review process that occurs when an organization challenges, in court, the designation of “terrorist organization.”
- Discuss the court case of *Nasser Al-Aulaqi v. Obama*.

Assignments

Items to be Completed:	Due No Later Than:
Read the assigned materials	
Post an initial response to the discussion question	Thursday 11:59 PM EST/EDT
Post responses to at least two classmates	Sunday 11:59 PM EST/EDT
Complete Quiz 1	Sunday 11:59 PM EST/EDT
Begin Case Brief 2	Module 3

Module 3

Terrorism Intelligence Information

Objectives

When you complete this module, you should be able to:

- Assess the methods used the government to exempt classified information from being made public during criminal prosecution of terrorism-related cases.
- Explain the legal concepts and application of the Classified Information Procedures Act.
- Assess the methods used by the government to exempt classified, terrorism-related information from release to the public, either in a criminal prosecution or request under the Freedom of Information Act.

Assignments

Items to be Completed:	Due No Later Than:
Read the assigned materials	
Post an initial response to the discussion question	Thursday 11:59 PM EST/EDT
Post responses to at least two classmates	Sunday 11:59 PM EST/EDT
Submit Case Brief 2	Sunday 11:59 PM EST/EDT

Module 4

Enforcement Practices

Objectives

When you complete this module, you should be able to:

- Explain the basic concepts of the Foreign Intelligence Surveillance Act.
- Apply the procedures of FISA to communications involving individuals within the United States.
- Understand the legal issues that arose from the National Security Administration's Terrorist Surveillance Program and the legislation that resulted from it.
- Defend or dispute the government's support and use of extraordinary rendition used against foreign individuals suspected of terrorist acts against the United States.

Assignments

Items to be Completed:	Due No Later Than:
Read the assigned materials	
Post an initial response to the discussion question	Thursday 11:59 PM EST/EDT
Post responses to at least two classmates	Sunday 11:59 PM EST/EDT
Complete Quiz 2	Sunday 11:59 PM EST/EDT
Begin Case Brief 3	Module 5

Module 5

Extended Detention

Objectives

When you complete this module, you should be able to:

- Compare and contrast the detainee statuses of material witness, alien, privileged belligerents, and unprivileged enemy belligerents.
- Explain in general terms immigration detention and removal policies as they apply to the investigation of terrorist activity.
- Recognize the various federal statutes and judicial decisions regarding the detention of alleged “unprivileged enemy belligerents” outside the borders of the United States.

Assignments

Items to be Completed:	Due No Later Than:
Read the assigned materials	
Post an initial response to the discussion question	Thursday 11:59 PM EST/EDT
Post responses to at least two classmates	Sunday 11:59 PM EST/EDT
Submit Case Brief 3	Sunday 11:59 PM EST/EDT

Module 6

Criminal Prosecution of International Terrorism

Objectives

When you complete this module, you should be able to:

- Examine the legal authority of military commissions in the prosecution of international terrorism.
- Explain the changes provided for in the Military Commissions Act of 2009.
- Compare civilian prosecution of terrorists and supporters of terrorism, and related problems risking exposure of classified information.
- Articulate the legal advantages of prosecuting these types of cases by military commission rather than in civilian, federal court.

Assignments

Items to be Completed:	Due No Later Than:
Read the assigned materials	
Post an initial response to the discussion question	Thursday 11:59 PM EST/EDT
Post responses to at least two classmates	Sunday 11:59 PM EST/EDT
Complete Quiz 3	Sunday 11:59 PM EST/EDT
Begin Case Brief 4	Module 7

Module 7

Investigating Terrorism: Political Surveillance

Objectives

When you complete this module, you should be able to:

- Define the term “political surveillance.”
- Identify the primary law enforcement agency responsible for political surveillance in the investigation of terrorism in the United States.
- Identify legislation and judicial decisions enacted for the purposes of overseeing and limiting political surveillance.
- Recognize the importance and significance of the Attorney General Guidelines for the FBI relating to political surveillance.

Assignments

Items to be Completed:	Due No Later Than:
Read the assigned materials	
Post an initial response to the discussion question	Thursday 11:59 PM EST/EDT
Post responses to at least two classmates	Sunday 11:59 PM EST/EDT
Submit Case Brief 4	Sunday 11:59 PM EST/EDT

Module 8

Using the Military in Domestic Law Enforcement

Objectives

When you complete this module, you should be able to:

- Define the term “posse comitatus.”
- Identify the key points of the Posse Comitatus Act of 1878, 18 U.S.C. §1385.
- Identify the key points of the Insurrection Act of 2006, 10 U.S.C. § 333 as it applies to natural disasters and acts of terrorism, both domestic and international.
- Recognize how certain occurrences, such as the events of September 11, 2001, and Hurricane Katrina, played a key role in the drafting and enactment of the Insurrection Act of 2006.

Assignments

Items to be Completed:	Due No Later Than:
Read the assigned materials	
Post an initial response to the discussion question	Thursday 11:59 PM EST/EDT
Post responses to at least two classmates	Sunday 11:59 PM EST/EDT
Complete Quiz 4	Sunday 11:59 PM EST/EDT