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**Law 5325/20595 – NATIONAL SECURITY**

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**GENERAL COURSE INFORMATION**

**Semester:** Spring 2026

**Course Location & Time:** Room TBD; T/Th 1:00 – 2:30 PM

**Instruction Mode:** Face-to-Face

**Office Hours:** Mondays 1:00-2:20 PM in my office. Also by appointment (arrange by email).

**Assistant:** [TBD]

**Course Description**

National security law is a wide-ranging, and expanding, field of law. It combines constitutional doctrines dating to the earliest days of the Republic, detailed statutory laws, complex regimes of appropriations law, and a patchwork of international law commitments. It spans foreign and domestic affairs. It is used to justify a tremendous range of government action. And its consequences are often existential—both for those on whom the law operates and for our body politic.

This course will address seven topics: an introduction to the constitutional underpinnings of the modern national security state, government lawyering in the national security state, foreign relations law, foreign and domestic intelligence collection, the military and armed conflict, and national security in domestic affairs. Assessments will be both written and oral, modeling the skills integral to the practice of government lawyering (and client-facing lawyering more generally).

**Course Prerequisites:**

None.

**Course Materials**

The primary text is STEPHEN DYCUS, WILLIAM BANKS, EMILY BERMAN, PETER RAVEN-HANSEN, & STEPHEN VLADECK, NATIONAL SECURITY LAW (8th edition, 2024).

We will also occasionally use supplemental materials, all of which will be available via Canvas.

## **Use of CANVAS**

This course makes considerable use of CANVAS. Updates regarding readings and assessments will all be communicated via CANVAS as well as in-person during class.

## **Learning Outcomes**

By the end of this course, you will understand the doctrinal foundations of national security law. In particular, this will mean an ability to integrate doctrines of constitutional interpretation, statutory law, and international commitments into a cohesive accounting of US legal commitments. This class is designed for those who have little or no background in national security law or policy. It is also designed for those who don't expect to delve further into national security matters, whether in their academic coursework or professional careers. Class sessions will be interactive, and you will have multiple opportunities to increase your proficiency with integrating multiple sources of law to answer legal questions.

## **Assessment**

Your grade will be determined as follows:

**10% -- Participation.** This includes responding to cold-calls and submitting the small assignments we will periodically complete during class. These assignments will be graded complete/incomplete (i.e., the substance of your responses will not be graded).

**20% -- Mid-Semester Assessment.** At the end of the fourth block of the course I will provide all students a draft policy memo for your legal review. Your task will be to write a short memo identifying any legal issues with the draft memo and proposing revisions. You will then orally present your conclusions to me in a short one-on-one meeting. Additional details regarding the assignment will be provided during the semester.

**70% -- Final Paper.** You will select a topic we've covered over the course of the semester and propose a change in statutory law which addresses what you believe to be a problem in existing national security law or policy. The memorandum will be no longer than 10 pages, inclusive of the text of the statutory change you are proposing. The memorandum will be due on the last day of class. Additional instructions and guidance for this final paper will be provided during the semester.

## **Attendance**

UHLC requires students to attend 80% of classes to take the final exam. This class will take attendance electronically, with an attendance code being provided at the beginning of each class. Please reach out to my administrative to communicate any absences required due to illness, etc.

## **Class Preparation/Expectations**

My aim is to create a collaborative classroom environment where we discuss difficult legal questions in a professional, respectful manner. This entails a number of duties on my part.

First, I will be transparent in my expectations for the class. You will have advance notice about expectations regarding assessments well before they occur. And I will post to CANVAS any slides used during class.

Second, I will ensure that our class discussions and readings expose the wide range of views that exist regarding the national security issues we discuss.

Third, I will conduct class in a manner that promotes everyone's participation in discussions. Practically, this means that you should expect a mix of cold-calls and requests for volunteers. It also means that we will operate under the **Chatham House Rules**. In a nutshell, these rules provide that participants are free to use the information received during class, but neither the identity nor the affiliation of the speakers, nor that of any other participant, may be revealed. This rule is meant to encourage frank discussion and allow everyone to try out arguments. If you have any questions or concerns about class discussions—or feel in any way uncomfortable speaking in class for any reason—please come see me.

**As part of the Chatham House rule, any audio or visual recording of class is prohibited. The only exceptions to this policy will be announced by me in writing,** such as to arrange for the law school to record any make-up classes that might become necessary.

The success of this class will also depend on you all. First, this includes making a good-faith effort to prepare for each class session. Each assignment for this class will require close reading, and it will therefore take time for you to complete. Second, in terms of classroom conduct, I expect that discussions will be respectful, especially when folks disagree. I encourage you to speak up and share your views throughout the semester.

## **Artificial Intelligence**

Generative artificial intelligence is a form of machine learning that creates new and original output based on the data it has been trained on, in response to prompts. Examples include generative “large language models” (LLMs), such as ChatGPT. LLM output can include text, images, music, code, and more. This syllabus policy covers the textual output of generative LLMs (AI-Generated Text). Because AI-Generated Text can often mimic human intelligence, it could potentially be used as a substitute for a student's own work product. Such use is potentially problematic to the extent that it becomes a substitute for internalized student understanding of the material or creates a dependency on AI-Generated Text, which may be strictly prohibited in settings that include the bar examination.

Therefore, subject to the exceptions immediately below, your continuing enrollment in this course constitutes your pledge not to generate or to use any AI-Generated Work Product—whether from yourself or others—in relation to any assessment in this course. The term “assessment” means *any graded or ungraded work product for this course that is submitted to the instructor, presented in a class session, or used in an oral or written graded assessment for this course.*

The following AI-Generated Work Product uses are narrowly defined exceptions to the preceding prohibition:

- You may generate and use AI-Generated Text for class preparation, although you must disclose the full extent of that use if I ask. You may generate and use AI-Generated Text for study supplements to aid with general understanding of course content. This could take different forms that include creating examples or explanations of a concept, generating diagrams and flow charts, “gamifying” course content, creating flash cards for study, or creating sample questions and answers.
- You may generate and use AI-Generated Text for an outline that summarizes the course content.
- You may use AI-Generated Text for the purpose of language translation.
- You may use AI-Generated Text when specifically authorized for class exercises.
- You may use AI LLMs to assist with organizing and drafting both the mid-semester assessment and final paper, but the final text must be your own. This means that, while you may generate text with the aid of AI for initial drafts, you must edit and hone this text before submitting your assignment.

### **Use of Computers and Other Electronics in Class**

Out of respect for other students and the classroom environment, during class sessions computers should be used only for the purposes of accessing electronic class materials or taking notes. This prohibits computer use for internet surfing, chat rooms, e-mail, or other uses not related to the class. I reserve the right to treat violations of this policy as either a lack of preparation, a constructive lack of attendance, or, in appropriate circumstances, as a disruption of the class. In addition, during class please disable the speaker on your computer and refrain from displaying wallpaper, screen savers, or other material on your laptop computer screen that can reasonably be expected to offend or distract your classmates. Also, please ensure that all other noise-making electronics, such as watches, cell phones, etc., are silenced.

## **Honor Code**

The [UHLC Honor Code](#) applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

## **COURSE SCHEDULE**

Please reference the separately distributed reading schedule for the assigned readings for each class. All readings are required unless otherwise noted. Both the mid-semester assessment and final paper will draw exclusively on the readings assigned for class.

The following is our intended schedule of topics for the semester. Since syllabi are living documents, I may make adjustments both before the semester and as the semester proceeds.

### **I. Introduction to the National Security State**

1/20: Course Overview and Structure of the National Security State

1/22: Congress's National Security Powers (Pt. 1: Declaring war and organizing the armed forces)

1/27: Congress's National Security Powers (Pt. 2: Appropriations and oversight)

1/29: The President's National Security Powers (Pt. 1: Executive authority generally, including as commander-in-chief)

2/3: The President's National Security Powers (Pt. 2: Emergency powers)

2/5: The Judiciary's Role in National Security (Justiciability & State Secrets)

### **II. Government Lawyering in the National Security State**

2/10: Communicating with Policymakers (Focus on memo writing and oral briefing)

2/12: Legal Research as a Government Lawyer (Focus on legislative and regulatory materials and executive branch legal opinions)

### **III. Introduction to Foreign Relations Law**

2/17: Treaties & Customary International Law in Domestic Law

2/19: International Law in U.S. Courts

### **IV. Foreign and Domestic Intelligence Collection**

2/24: Introduction to the Foreign Intelligence Surveillance Act

2/26: Intelligence Collection, the Fourth Amendment, and the Third-Party Doctrine

3/3: Domestic Intelligence Collection

### **V. The Military and Armed Conflict**

3/5: Recourse to Armed Force (Focus on theories of inherent presidential authority to engage in armed conflict)

3/10: The Laws of War (*jus in bello*) in U.S. Practice

3/12: Targeted Killings

*3/16 – 3/20: Spring Break*

3/24: Habeas Corpus in the National Security Context

*3/26: No Class*

3/31: Military Detention

### **VI. Non-Kinetic and Hybrid Tools in National Security Practice**

4/2: Economic Sanctions

4/7: Covert Operations

4/9: Cyber Operations

## **VII. National Security and Domestic Affairs**

4/14: Domestic Prosecution of National Security Cases

4/16: Government Censorship and National Security

4/21: Domestic Uses of the Military

4/23: National Security and Immigration

## **VIII. Conclusion**

4/28: Critiques of Current National Security Law & Practice

4/30: Course De-Brief (*final paper due*)

## **GENERAL UNIVERSITY OF HOUSTON POLICY INFORMATION**

The University wants you to have the following general information about resources and policies at UH:

### **Mental Health and Wellness Resources:**

The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit [uh.edu/caps](http://uh.edu/caps), call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat [988lifeline.org](https://988lifeline.org).

### **Title IX/Sexual Misconduct:**

Per the UHS Sexual Misconduct Policy, your instructor is a "responsible employee" for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

### **Reasonable Academic Adjustments/Auxiliary Aids:**

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing [jdcenter@Central.UH.EDU](mailto:jdcenter@Central.UH.EDU).



### **More Student Support**

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment.

The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

The Center for Student Advocacy and Community (CSAC) is where you can go if you need help but don't know where to start. CSAC is a "home away from home" and serves as a resource hub to help you get the resources needed to support academic and personal success. Through our Cougar Cupboard, all students can get up to 30 lbs of FREE groceries a week. Additionally, we provide 1:1 appointments to get you connected to on- and off-campus resources related to essential needs, safety and advocacy, and more. The Cougar Closet is a registered student organization advised by our office and offers free clothes to students so that all Coogs can feel good in their fit. We also host a series of cultural and community-based events that fosters social connection and helps the cougar community come closer together. Visit the CSAC homepage or follow us on Instagram: @uh\_CSAC and @uhcupbrd. YOU belong here.

### **Women and Gender Resource Center:**

The mission of the WGRC is to advance the University of Houston and promote the success of all students, faculty, and staff through educating, empowering, and supporting the UH community. The WGRC suite is open to you. Stop by the office for a study space, to take a break, grab a snack, or check out one of the WGRC programs or resources. Stop by Student Center South room B12 (Basement floor near Starbucks and down the hall from Creation Station) from 9 am to 5 pm Monday through Friday.

### **Recording of Class:**

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

### **Resources for Online Learning:**

The University of Houston is committed to student success, and provides information to optimize the online learning experience through our Power-On website (<https://uh.edu/power-on/learning/>). Please visit this website for a comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, Blackboard, and Canvas; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact [UHOnline@uh.edu](mailto:UHOnline@uh.edu).

### **UH Email:**

Please check and use your CougarNet email for communications related to this course. Faculty use the CougarNet email to respond to course-related inquiries such as grade queries or progress reports for reasons of FERPA. To access your CougarNet email, login to your Microsoft 365 account with your CougarNet credentials. Visit University Information Technology (UIT) for instructions on how to connect your CougarNet e-mail on a mobile device.

### **Security Escorts and Cougar Ride:**

UHPD continually works with the University community to make the campus a safe place to learn, work, and live. The security escort service is designed for the community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on campus. If you feel that you need a Security Officer to walk with you for your safety, please call 713-743-3333. Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called “Cougar Ride” that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH Go app. Days and hours of operation can be found at <https://uh.edu/af-university-services/parking/cougar-ride/>.