Anti-Terrorism, Law, and the Role of Intelligence

Syllabus and Assignments

Frederick P. Hitz
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School of Law

Fall 2014
Wednesdays 4:00-6:00
TBA

This seminar will consider the phenomenon of terrorism as practiced by the perpetrators of the suicide attacks on the World Trade Center and Pentagon on September 11, 2001 (9/11). It will explore the various motivations for the attacks—religious, political and societal—and the position of the attackers as non-state actors. It will look at the posture of the U.S. Intelligence Community before the attacks and after, and examine the inadequacies, mistakes, lack of coordination and preparedness that beset the CIA and FBI especially, as they confront a potential age of relentless suicidal terror. We shall focus on the particular challenge posed by suicidal terror to democratic societies based on the rule of law. Next, we shall look at the reviews of 9/11 and Iraqi WMD compiled by two Congressional bodies, two outside blue ribbon commissions, and a Special Advisor to the DCI, and their recommendations to improve America’s intelligence and law enforcement defenses to the threat of ongoing non-state suicidal terror. We shall examine the Intelligence Reform and Terrorism Prevention Act of 2004. Finally, we shall consider the targeted killing of Osama bin Laden in May, 2011, practically on the 10th anniversary of 9/11, and seek to determine if that may bring about the end of Al Qaeda. Weekly assigned oral presentations and a long (5,000 words) research paper shall be required of seminar participants. Students wishing to satisfy the Writing Requirement should note such intention on their submitted papers.

All seminar papers are due no later than Thursday, December 18 at 4:30 p.m.

Note: for live links view syllabus online at http://www.virginia.edu/cnsl/bio/hitz.html

August 27
Week One: What is Terrorism?

Required Reading:

At the Center of the Storm: My Years at the CIA** by George Tenet

Reader:

1. Inside Terrorism by Bruce Hoffman (Columbia Univ. Press, N.Y.: 1998)
   Chapter one, Defining Terrorism pp. 13-44.
Suggested Reading (on reserve):


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**September 3**

Week Two: Terror in the Name of Religion

Required Reading:

*Against All Enemies** by Richard A. Clarke (Free Press, NY: 2004)


Suggested Reading (on reserve):

*The Age of Sacred Terror* by Daniel Benjamin and Steven Simon (Random House, N.Y.: 2002)

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**September 10**

Week Three: Terror in the Name of Religion (Cont.)

Required Reading:


Suggested Reading (on reserve):

*Passion for Islam* by Caryle Murphy, (Scribner, NY: 2002)

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**September 17**

Week Four: America’s Response—WAR on Terror

Required Reading:

*The Looming Tower** by Lawrence Wright (Knopf, NY: 2006)

Suggested Reading (on reserve):

*The Good Spy: the Life and Death of Robert Ames** by Kai Bird (Crown, 2014)

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**September 24**

Week Five: America’s Response- WAR on Terror

~~Note~~ half of class will read one of these books, the other half will read the other book

Required Reading:

*First In: An Insider’s Account of How the CIA Spearheaded the War on Terror in Afghanistan* by G. Schroen (2005)
October 1
Week Six: The Role of Intelligence in the War on Terror

Required Reading:
*The Assassins’ Gate: America in Iraq* by George Packer (New York, Farrar, Straus and Giroux, 2005), pp. 3-218

Suggested Reading (on reserve):

October 8
Week Seven: The Role of Intelligence in the War on Terror (Cont.)

Required Reading:
*The Assassins’ Gate: America in Iraq* by George Packer, pp. 218-end

Suggested Reading (on reserve):

October 22
Week Eight: Should It be War?

Required Reading:
*The Wrong War* by Bing West (Random House, NY: 2011)

October 29
Week Nine: Impact on U.S. Citizenship and Immigration Policy

Required Reading:
*All the Laws but One* by William H. Rehnquist, (Vintage Paperbacks, N.Y.: 2000)
November 5
Week Ten: Terror Investigations: Surveillance and Interrogation – Torture

Required Reading:
1. *At the Center of the Storm* by George Tenet (concluded pp. 207-end)
2. *The Dark Side*** by Jane Mayer

Reader:
   and in reader

November 12
Week Eleven: Detention – The Right to a Hearing; Military Tribunals, U.S. Citizenship, POW Status, and Material Witnesses

Required reading:

Reader:
2. *Hamdan v. Rumsfeld* (decided June 29, 2006), syllabus and opinion

Suggested Reading:
*In the Common Defense* by James E. Baker (Cambridge Univ. Press, 2007)
November 19
Week Twelve: What is to be Done? – How to Improve U.S. Government Knowledge of and Pre-emptive Reaction to Terrorist Acts – The Intelligence Reform and Terrorism Prevention Act of 2004

Required Reading:

Reader:
4. [Selections] *The Intelligence Reform and Terrorism Prevention Act of 2004 (December 7, 2004) - Joint Explanatory Statement; Title I, Subtitle A; Title VII.*

Suggested Reading:

*****Thanksgiving Recess November 26-28*****

December 3
Week Thirteen: The Issue of Iraqi WMD and Intelligence Reform

Required Reading:
*The Triple Agent: the Al-Qaeda Mole Who Infiltrated the CIA* by Joby Warrick (Doubleday, NY, 2011)

“Reports, Politics, and Intelligence Failures: The Case of Iraq” by Robert Jervis, *The Journal of Strategic Studies*, Vol.29, No.1, 3-52, February 2006 [http://www.informaworld.com/smpp/content~content=a743802283~db=all~order=page](http://www.informaworld.com/smpp/content~content=a743802283~db=all~order=page)
Reader

Book

Suggested Reading:


** = Books to be purchased.