Intelligence Law Reform

Syllabus and Assignments

Frederick P. Hitz             Spring 2014
fph7w@virginia.edu                                                Wednesdays, 4:00-6:00 pm
University of Virginia
School of Law

This seminar will trace the development of intelligence law from the creation of CIA in 1947, through the Cold War, to the current War on Terrorism. It will look at the USA PATRIOT ACT of 2001 and the more recent effort to strengthen intelligence collection, analysis and dissemination in the wake of the 9/11 attacks and the inaccurate intelligence on Iraqi WMD, both administratively and with passage of the Intelligence Reform and Terrorism Prevention Act of 2004. We shall look at the role of the National Security lawyer. We shall also seek to decide whether the threat of international and domestic terrorism is primarily an intelligence problem or a law enforcement/military one informed by good intelligence. We shall finally arrive at a view of the propriety and legality of coercive interrogations, pre-emptive incarcerations, and intrusive surveillance in a constitutional democracy.

Course Requirement: A substantial research paper, must be submitted online to ITC by Friday, May 9, 2014 no later than 4:30 PM.

Week One: The Origins of CIA and the Early Cold War
Required Reading:
*For The President’s Eyes Only* by Christopher Andrew, Chapters 3-7, pp. 75-306.

Week Two: The End of the Cold War
Required Reading:
*For The President’s Eyes Only*, Chapters 8-Conclusion, pp. 307-541.

Week Three: Surrogate Wars: Afghanistan
Required Reading: *The Main Enemy* by James Risen and Milton Bearden, and *See No Evil* by Robert Baer

Week Four: The Challenge of Post-Cold War Operations
Required Reading: *The Wrong War* by Bing West, Random House, 2011
Week Five: 9/11 and the Start of the War on Terror
Required Reading: Against All Enemies by Richard A. Clarke

Week Six: The USA PATRIOT ACT and Changes to FISA

Week Seven: Al Qaeda and Osama bin Laden
Required Reading: The Looming Tower by Lawrence Wright

Week Eight: Role of Law and the National Security Lawyer
Required Reading: In the Common Defense by James E. Baker

Week Nine: The Bush Response to Terrorism

Week Ten: Post-9/11 Intelligence Reform
Required Reading: The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States

Week Eleven: Legislative Reform

Week Twelve: The Torture Memos and the Problem of “Enhanced Interrogation”
Required Reading: The Dark Side by Jane Mayer

Week Thirteen: Does the Intelligence Reform Bill Solve the Problem?