



ANTONIN SCALIA  
LAW SCHOOL

**LLM**

**IN CYBER,  
INTELLIGENCE  
AND NATIONAL  
SECURITY LAW**

***THE FUTURE  
OF NATIONAL  
SECURITY  
STARTS HERE***

## **Degree Details & Course Catalog**

THE MASTER OF LAWS (LLM) IN CYBER, INTELLIGENCE AND NATIONAL SECURITY LAW (CINS) prepares graduates to emerge as experts in navigating emerging policy, legal, and constitutional issues in these key areas. The program leverages the expertise and knowledge of GMU's National Security Institute (NSI) to produce graduates equipped to work for government agencies, law firms, businesses, and public interest and policy organizations that are tackling the issues created by an increasingly connected and data-focused world.

# PROGRAM REQUIREMENTS

To earn an LL.M. in Cyber, Intelligence & National Security Law, students must complete 24 – 26 credit hours of coursework made up of required courses and restricted electives.

Students may attend the LL.M. program full-time or part-time.

- Full-time students typically take 12-15 credit hours per semester
- Part-time students typically take 8-12 credit hours per semester.

Students may choose between fall and spring semester start dates.

In order to remain in the LL.M. program, students must present a cumulative grade point average of at least 2.33 on a 4.33 scale at the end of each spring semester.

Requirements	U.S.-Trained Students	Foreign Trained Students
<b>Total Number of Credits</b>	<b>24</b>	<b>26</b>
<b>Number of Elective Credits</b>	<b>12</b>	<b>12</b>
<b>Core Courses</b>	<b>12 Credit Hours Required</b> <ul style="list-style-type: none"><li>• <b>Cybersecurity Law Seminar</b></li><li>• <b>Economics for Lawyers</b></li><li>• <b>Homeland Security Law Seminar</b></li><li>• <b>Intelligence Law Seminar</b></li><li>• <b>National Security Law</b></li></ul>	<b>14 Credit Hours Required</b> <ul style="list-style-type: none"><li>• <b>Cybersecurity Law Seminar</b></li><li>• <b>Economics for Lawyers</b></li><li>• <b>Homeland Security Law Seminar</b></li><li>• <b>Intelligence Law Seminar</b></li><li>• <b>National Security Law</b></li><li>• <b>Introduction to US Law</b></li></ul>

# CORE COURSES

## NATIONAL SECURITY LAW

This lecture course will explore the distribution of national security powers amongst the three coordinate branches of government and engage students in understanding the laws and policies that govern the legality of war, military operations in wartime, intelligence collection, protection of national security information, foreign intelligence surveillance, covert action, special military operations, offensive counterterrorism operations, the detention, interrogation, and prosecution of terrorism suspects, including military commissions, the domestic use of the military, homeland security, cybersecurity, and other current issues in the national security area. The class will also include discussion of materials declassified in recent months relating to foreign intelligence collection and offensive counterterrorism operations, as well as materials previously declassified, and will examine the legal analysis supporting these specific efforts and the policy questions raised by them.

## CYBERSECURITY LAW SEMINAR

This seminar course will provide students exposure to the key legal and policy issues related to cybersecurity, including the legal authorities and obligations of both the government and the private sector with respect to protecting computer systems and networks, as well as the national security aspects of the cyber domain including authorities related to offensive activities in cyberspace. The course will include a survey of federal laws, executive orders, regulations, and cases related to surveillance, cyber intrusions by private and nation-state actors, data breaches, and privacy and civil liberties matters, among other things. The course will also explore the legislative and technology landscape in this dynamic area and will provide students with opportunities to discuss cutting-edge issues at the intersection of law, technology, and policy.

## HOMELAND SECURITY LAW SEMINAR

This seminar course provides an introduction to the policy, strategy and practical application of homeland security through an understanding of the authorizing laws, regulations, and policies that established DHS. This is a multi-faceted course that will expose students to complex intergovernmental and public-private sector policymaking, operational planning, and crisis management. The course is designed to promote subject matter understanding, critical analysis of issues, and insight into senior leader decision making. It also includes a practical examination of stakeholder interaction and key subject matter areas through an interactive tabletop exercise as well as other interactive opportunities throughout the course.

## INTELLIGENCE LAW SEMINAR

This seminar will provide students with an overview of the U.S. Intelligence Community (IC) and its sources of legal authority. Students will engage in exercises (both written and oral) to analyze and draft practical guidance on relevant legal issues for the IC. Each class will involve an overview of the specific topic followed by either the drafting of a short memorandum addressing a hypothetical client question or a simulated inter-agency meeting. No security clearance is required since all materials and discussions will be at the unclassified level. Although this seminar is focused on issues most relevant to IC agencies, each week's practical exercise will focus on drafting and/or negotiating skills useful and relevant to any government attorney.

## ECONOMICS FOR LAWYERS

This course exposes students to a broad survey of economic, statistical, finance and accounting concepts in which those concepts play a crucial role in determining the outcome of legal disputes. Students will not become expert in these technical areas but will be exposed to both the mechanics and subtleties of these tools. The goal is to educate and train students so that they will be better prepared to understand a dispute, craft an argument, or prepare a witness.

## INTRODUCTION TO US LAW\*

This course is designed to provide LL.M. students who did not receive their legal education in the United States with an overview of U.S. law. Students will develop basic research and writing skills necessary for the study and practice of law in the U.S., while covering substantive areas of law, including contracts, torts, and Constitutional law. This course will not provide an exhaustive survey of each topic, but rather exposure to a large amount of foundational information in a short period of time.

\*Required for those holding a first law degree from an international school.

## CYBERSECURITY LAW SEMINAR

This seminar will provide students with an overview of the U.S. Intelligence Community (IC) and its sources of legal authority. Students will engage in exercises (both written and oral) to analyze and draft practical guidance on relevant legal issues for the IC. Each class will involve an overview of the specific topic followed by either the drafting of a short memorandum addressing a hypothetical client question or a simulated inter-agency meeting. No security clearance is required since all materials and discussions will be at the unclassified level. Although this seminar is focused on issues most relevant to IC agencies, each week's practical exercise will focus on drafting and/or negotiating skills useful and relevant to any government attorney.

# ELECTIVE COURSES

## COMPUTER CRIMES SEMINAR

This course will introduce students to the basic laws of computer crimes, including the Computer Fraud and Abuse Act and various laws relating to online piracy, inappropriate content, intellectual property protection, and the like. The course will also cover challenges relating to the investigation and prosecution of computer crimes including the gathering and validation of digital evidence and attribution of online activities.

## CORPORATE NATIONAL SECURITY LAW

This course will cover a range of national security related laws and related matters particularly applicable to companies operating both in the United States and abroad, including sanctions laws, trade laws, executive orders, the Foreign Corrupt Practices Act, the Foreign Agents Registration Act, the National Emergencies Act, the International Economic Emergency Power Act, the Foreign Sovereign Immunities Act, the Logan Act, and matters relating to the Committee on Foreign Investments in the United States.

## COUNTERTERRORISM LAW SEMINAR

This seminar course will provide students with exposure to the laws and policies relating to U.S. government counterterrorism efforts and will survey the wide range of legal issues implicated by such efforts at home and overseas. Issues to be addressed will include international and domestic law applicable to counterterrorism activities, the authorities for the use of force, offensive operations overseas, domestic counterterrorism efforts, surveillance of terrorists, capture, detention, and interrogation of terrorism suspects, prosecutions in military commissions and domestic courts, immigration matters, and other legal authorities for addressing terrorism issues.

## COVERT ACTION, CLANDESTINE, AND SPECIAL OPERATIONS LAW

This course will introduce students to the domestic and international authorities, laws, and policies applicable to the use of covert action authorities abroad and the use of clandestine and military special operations forces. The course will cover the core separation of powers related issues regarding oversight of such activities by Congress, including specifically in the areas of counterterrorism operations and cyber activities. The course will review both the historical legal constraints and policies applicable to such activities as well as ongoing debates over the appropriate nature and scope of such activities and the relevant reporting and disclosure of such activities. The course will teach the law in this area in part by examining declassified examples of such activities and focusing on the laws applied in such cases, the oversight conducted both before and after the activities, as well as the potential applicability of other laws and policies.



## DIGITAL INFORMATION POLICY SEMINAR

This course will introduce students to the domestic and international authorities, laws, and policies applicable to the use of covert action authorities abroad and the use of clandestine and military special operations forces. The course will cover the core separation of powers related issues regarding oversight of such activities by Congress, including specifically in the areas of counterterrorism operations and cyber activities. The course will review both the historical legal constraints and policies applicable to such activities as well as ongoing debates over the appropriate nature and scope of such activities and the relevant reporting and disclosure of such activities. The course will teach the law in this area in part by examining declassified examples of such activities and focusing on the laws applied in such cases, the oversight conducted both before and after the activities, as well as the potential applicability of other laws and policies.

## EMERGING LAW OF INTERNET PRIVACY SEMINAR

This course will introduce students to the domestic and international authorities, laws, and policies applicable to the use of covert action authorities abroad and the use of clandestine and military special operations forces. The course will cover the core separation of powers related issues regarding oversight of such activities by Congress, including specifically in the areas of counterterrorism operations and cyber activities. The course will review both the historical legal constraints and policies applicable to such activities as well as ongoing debates over the appropriate nature and scope of such activities and the relevant reporting and disclosure of such activities. The course will teach the law in this area in part by examining declassified examples of such activities and focusing on the laws applied in such cases, the oversight conducted both before and after the activities, as well as the potential applicability of other laws and policies.

## ENERGY, ENVIRONMENT & NATIONAL SECURITY: LAW & POLICY

Energy issues have framed recent international security crises: the OPEC oil shock of 1973-74, both Gulf Wars, 9/11 and Afghanistan, Russian gas threats to Europe (including the Georgia invasion), China's scramble for energy resources, the financial imbalance caused by oil imports, the threats posed by ISIS and its control of substantial oil revenues, and the security risks posed by climate change. Yet, US and EU energy policies have been driven primarily not by international security issues but by domestic law on traditional pollution control (including the consequences of the fracking revolution), private property protection and antitrust. This course will examine how these domestic legal and regulatory regimes have shaped energy policy internationally in ways that multilateral security entities like NATO and the UN cannot reach. The course will focus primarily on the EU and US, examining how their domestic regulatory differences affect international energy and climate policies (including fracking), often in unintended ways. It will also examine the implications of climate regulation, energy security policies, gas and oil export restrictions, and financial issues (most of the US current account deficit is due to oil imports theoretically displaceable by domestic alternatives that include cars and trucks powered by electricity, CNG and biofuels). The course necessarily requires considerable study of the Clean Air Act as the source of the US' primary energy policy, and of aspects of administrative law as it effects the execution of that power by the EPA.

## ETHICS IN NATIONAL SECURITY LAW

This course will closely examine the myriad ethical issues inherent in national security lawyering, including exploring the various roles a national security lawyer may play in the government, including the roles and ethical responsibilities of a policy lawyer examining various options for legislation or policymaking inside the executive branch, an oversight lawyer examining activities conducted after the fact, a lawyer appearing in national security matters before a neutral third party magistrate, including to prosecute national security cases as well as to obtain surveillance, and lawyers advising military commanders in the field, among others. The course will also examine the various ethical challenges associated with highly classified or sensitive operations, including those that may involve the use of techniques and capabilities that may approach the boundaries of the law, as well as those that require limited disclosure even within the confines of the executive branch.

## EUROPEAN UNION LAW SEMINAR

This three-credit course aims to give students a comprehensive introduction to European Union law in light of the ongoing economic and political challenges facing the 28-country bloc. In the opening weeks, the course will survey the succession of treaties that have led to today's EU and the institutions that govern the Union, and lay out key legal and political themes and principles associated with European integration. The middle portion of the course delves into the nature of the EU legal order, including the role of the judiciary, interaction with the domestic law of member states and with international law, and the Union's increasingly important fundamental rights framework. The final segment, after spring break, covers data privacy law and migration issues, the basics of the EU internal market and competition (antitrust) framework, and the EU's increasingly prominent and ambitious role as an international actor in its own right. The course offers a compressed survey of the constitutional, administrative, human rights, justice and home affairs, economic and foreign relations law of the European Union. The emphasis throughout is on institutional aspects and on the relationship between the EU and its member states, with comparisons to U.S. law as appropriate. In addition to the assigned reading in preparation for each week's meeting, the instructors will provide brief topical primary and other documents during each class period for reading and discussion. The course will also give attention to EU law research methods and sources, and students will write a 20- to 25-page research paper.

## FOREIGN RELATIONS LAW

The conduct of American foreign policy is constrained by a great deal of law – on what the Constitution permits, what congressional enactments require, what domestic courts forbid or international authorities reprove. This course offers a survey of the legal terrain with a focus on defining historical disputes and contemporary controversies.

## HOMELAND SECURITY LAW

This course provides an introduction to the policy, strategy and practical application of homeland security through an understanding of the authorizing laws, regulations, and policies that established DHS. This is a multi-faceted course that will expose students to complex intergovernmental and public-private sector policymaking, operational planning, and crisis management. The course is designed to promote subject matter understanding, critical analysis of issues, and insight into senior leader decision making. It also includes a practical examination of stakeholder interaction and key subject matter areas through an interactive tabletop exercise as well as other interactive opportunities throughout the course.

## IMMIGRATION LAW

Examines fundamental issues in immigration law of inadmissibility and deportability, relief from removal, asylum and refugee status, citizenship, nonimmigrant and immigrant visas, including labor certification, and administrative and judicial review.

## IMMIGRATION POLICY SEMINAR

Examines fundamental issues in immigration law of inadmissibility and deportability, relief from removal, asylum and refugee status, citizenship, nonimmigrant and immigrant visas, including labor certification, and administrative and judicial review.

## INTERBRANCH AND FEDERALISM CONFLICTS IN NATIONAL SECURITY

This course will cover various actual and potential disputes between the three coordinate branches over the conduct of foreign relations and the carrying out of national security policy including surveillance matters, authorizations for the use of military force and the conduct of specific military operations, the conduct of intelligence operations other than surveillance, including covert action and specific counterterrorism related programs, and the making of international agreements. The course will also examine federalism conflicts in foreign relations and national security law including interactions with foreign states, trade, investments, and sanctions-related matters, as well as the application of federal authorities in the states in times of national crisis.

## INTERNATIONAL LAW

Considers traditional public international law issues and analyzes them in an economic and game-theoretic perspective. Emphasis is on basic concepts of public international law, including sources and evolution of international law; relation of international law to municipal law; subjects of international law; peaceful settlement of disputes; international agreements; jurisdictional competence; state responsibility and treatment of aliens; the use of force; and the evolving role of international organizations.



## INTERNATIONAL TRADE LAW & REGULATION

Covers the theory and practice of international trade law including U.S. laws and the World Trade Organization (WTO) regime. Includes trade remedy litigation (e.g. antidumping, countervailing duty, and safeguard investigations) and export controls for U.S. national security purposes (including the Directorate of Defense Trade Controls, U.S. Department of State (DDTC); the Bureau of Industry and Security, U.S. Department of Commerce (BIS); Office of Foreign Assets Control, U.S. Department of Treasury (OFAC)). Also examines domestic and international anti-bribery issues (including the U.S. Foreign Corrupt Practices Act (FCPA)).

## LAW OF ARMED CONFLICT AND MILITARY OPERATIONAL LAW

This course will involve a deep examination of domestic and international law related to both *jus ad bellum*, the law applicable to the potential use of armed force, and *jus in bello*, the law applicable in the course of an armed conflict. The course will also examine the domestic authorities applicable to authorizing the use of force, as well as the laws and policies applicable to the actual conduct of war in an operational setting. The course will also specifically discuss the role of lawyers in warfighting today, including the role of lawyers in advising military commanders and others in the field. The course will cover matters related to the DOD Law of War Manual as well as the Operational Law Handbook for Military Commanders.

## MARITIME AND SPACE LAW

This course will focus on the domestic and international law and policies applicable to the maritime and space domains, including the Law of the Sea and the Outer Space Treaty. The course will examine the historical antecedents of modern law and the ways in which they have influenced the development of current constructs and will also examine proposals for modifications to such laws and policies, as well as emerging issues in these domains. The course will also examine the roles and responsibilities of lawyers advising military commanders and others operating in these domains and setting policy with respect to such operations.

## NATIONAL SECURITY LAW SEMINAR

This course is identical to Law 384 with the exception that it is a 2 credit conducted as a seminar and will require a seminar paper.

## OPERATIONAL CYBER AND INTELLIGENCE LAW

This course will specifically focus on educating students on the laws and policies applicable to cyber and intelligence operations, including the application of domestic and international law, such as how the law of armed conflict principles of necessity, distinction, proportionality, and humanity apply to cyber and intelligence operations. The course will also examine the emerging issues in these areas, as well as proposals for modifications to existing domestic and international legal constructs in these areas. The course will also examine the oversight of such operations by the judicial and legislative branches of government and will explore matters related to the roles and responsibilities of lawyers advising military commanders and others on such matters.

## PRIVACY AND INFORMATION SECURITY LAW

The course explores the rapid development of the law governing the use and disclosure of personal and other information by government entities and private sector parties. The course also examines the emerging law regarding the obligation to protect information from misuse or access by unauthorized third parties and liability arising from such misuse or access.

## PROSECUTING TERRORISM AND CASES INVOLVING NATIONAL SECURITY

This course analyzes the tools used to investigate and prosecute acts of terrorism and violations of national security laws. A research paper is required. The class is designed to highlight in practical terms the tension between protecting the nation's security versus protecting privacy and individual liberties. The course utilizes the "9-11 Commission Report" to give context for modern day investigations and prosecutions. It looks at constitutional issues associated with searches, seizures, confessions and freedom of the press. It looks at electronic surveillance techniques, the use of classified information at trial, and substantive statutes used to prosecute cases.

## REFUGEE AND ASYLUM LAW

This course will cover the international and U.S. refugee law regime, with a focus on asylum law in the United States. The course will trace the history and development of the United Nations 1951 Refugee Convention, the 1967 Protocol, and the U.S. Refugee Act of 1980. Students will become familiar with the key actors in the asylum and refugee law arena, including the United Nations High Commission for Refugees, international non-governmental organizations, the U.S. Congress, the Departments of Homeland Security and Justice, and the federal courts. Students will gain an understanding of the refugee definition as interpreted in the U.S.

## SEPARATION OF POWERS SEMINAR

This course will introduce students to the separation of powers issues inherent in the American system of government. The course will include an examination of the historical and pre-Constitutional understandings of the various functions, roles, and structures of government, including the philosophical underpinnings of the approaches considered by the Framers for the American constitutional system. The course will look at the various approaches, both as a legal and policy matter, taken to the separation of powers, as well as judicial decisions addressing these matters. The course will cover separation of powers issues related to a range of areas of law, including specifically national security and administrative law.

## SURVEILLANCE LAW SEMINAR

This seminar course will expose students to laws and policies relating to government surveillance, from traditional criminal wiretaps to high tech surveillance conducted as part of the global war on terrorism. The course will involve a survey of the Fourth Amendment's search and seizure caselaw and the application of that body of law to government surveillance efforts. Issues discussed will include: wiretaps in drug and organized crime cases; warrantless surveillance programs in the '60-'70s; legislative efforts to constrain surveillance; the expansion of government surveillance following the attacks of 9/11; and the implications of new surveillance technologies in an increasingly cyber- and technology-oriented world.

## UNMANNED AERIAL SYSTEMS SEMINAR

This is a survey course designed to provide students with an overview of the many Constitutional and other legal considerations relevant to the development, manufacture, and use of Unmanned Aerial Systems ("UAS"). The Federal Aviation Administration ("FAA") regulates the use of UAS in the National Airspace System ("NAS"), so the first part of the course will explore the Administrative Procedures Act and the FAA's implementation of federal aviation law—both regulations of general applicability and those specifically applicable to UAS. It will also look at Constitutional issues, specifically Preemption, and discuss the proper boundary between the states' authority to regulate under their Police Powers and the Federal Government's Commerce Clause authority. The course will also explore assorted civil and criminal issues such as invasion of privacy and trespass, Freedom of the Press, the Fourth Amendment, UAS insurance, and cyber security. The second part of the course will focus on a number of typical issues that a UAS practice group will face, including government contracting and the False Claims Act, subcontracts with the government, and also at export regulations under the International Traffic in Arms Regulations, the Export Administration Regulations, and the Office of Foreign Asset Controls. The goal is to help students understand the purposes of the different agencies, how to classify products made or used by their clients, how to advise regarding an effective export compliance program, how to investigate and report export violations, and how to work with agencies when case law guidance is lacking. The course will also look at the ethics of and international laws governing military use of UAS and conclude with a comprehensive roundtable-style discussion.

## WAR AND LAW

Covers an array of legal issues, including questions of when military force is appropriate; the role of, and protections for, uniformed armies and who should serve in them; the proper treatment of conquered populations and non-combatants; treatment of prisoners-of-war and non-state actors; honorable behavior when waging asymmetric warfare; and the war powers of the American executive. This course will examine these and other issues in historical perspective, then deal with today's evolving standards.

## WAR AND LAW SEMINAR

This course is identical to Law 397 with the exception that it is conducted as a seminar and will require a seminar paper.