

Seminar on Teaching National Security Law

October 2, 2010

L'Enfant Plaza Hotel ** Washington, DC

I. Introduction

Since the attacks of September 11, 2001, our perceptions of both national security and national security law have been changing rapidly. A field that was once the concern of a dedicated set of practitioners in government, the military, and the private sector now attracts a multitude of students, both civilian and military, seeking to learn about national security law for both their careers as well as their general interest in the subject. In order to improve the teaching of national security law and provide a path forward, the American Bar Association Standing Committee on Law and National Security convened a one-day seminar on the pedagogy of national security law in Washington, DC on October 2, 2010.

Participants from civilian law schools, service academies, war colleges, and military Judge Advocate General schools discussed the national security law programs at their respective institutions, addressed the legal shifts since September 11th regarding detention as an example of an issue that is taught within national security law curriculum, and laid out a path forward with suggestions to improve the teaching of national security law. The discussion was carried out under Chatham House rules, i.e. comments were on the record, but not for attribution.

II. History

The first National Security Law programs and curriculums began at the University of Virginia, University of North Carolina, and Duke University during the early years of the Cold War. From that point on, the teaching of national security law has reflected the major issues of foreign policy, politics, and the armed forces. During the 1970's the curriculums shifted to address the national security law issues that resulted from Vietnam, Watergate, and the investigations of the Church and Rockefeller Committees. As the Cold War intensified during the 1980's, National Security Law teaching addressed the issues surrounding nuclear warfare, as well as the impact of the Iran-Contra scandal on national security law and the Executive-Legislative relationship.

During the 1990's, greater emphasis was placed on the role of international law, international organizations, and globalization, reflecting the fall of the Soviet Union and the perception of a shift away from the "traditional" issues of national security. However, following the attacks of September 11th, a greater emphasis has been placed on the "traditional" issues, as well as new issues such as terrorism, detention, and homeland security. With the rapid growth of material surrounding September 11th, the "War on Terror," Afghanistan, Iraq, domestic surveillance, rendition, etc., many national security texts are now updated yearly, and may even require summer updates to reflect the evolving legal environment.

Throughout this shift in national security law curriculum and the growth of national security law into a \$700 billion a year industry, the number of schools with national security law programs

has grown. From the three initial schools, there are now more than 100 schools with national security law programs. Schools such as Georgetown University, the University of Virginia, and Syracuse University have developed dedicated national security law departments, and a handful of schools now offer LL.M. programs in national security law.¹

III. The Teaching of National Security Law in Civilian Law Schools

The National Security Law Student Body

As previously described, the national security law programs at civilian law schools brings together diverse group of students taking courses in national security law that have become increasingly popular. Out of the multitudes taking courses in national security law, only a small percentage will find themselves as practitioners in the military, law enforcement, or other official capacities.

However, beyond these government-related career paths, there are other career paths where there is increasing demand for those with an education in national security law. Many who wish to work in the field of NGOs or other non-profit or private sector applications that require such experience also look to national security law coursework. For those rest, it is an attractive course choice because it provides practical lessons related to the newspaper's front page as well as a course where multiple legal arenas (international law, law of armed conflict, human rights law, and constitutional law, to name a few) can be brought together in a practical setting. This education and experience proves helpful in a legal career as clients come to expect that their counsel will have an understanding of the legal impact of current events.

However, despite the multitude of different purposes and destinations for the national security law student, the greatest emphasis the panelists placed on the role of national security law education was the need to educate students trained not only to be lawyers but also to be citizens.

Goals for National Security Law Courses and Measuring Success

While the educators agreed that it was necessary to have a methodological goal for their class and that grading proved a useful metric for evaluating their students, they felt that the ultimate goal was to ensure that their students were trained to operate on their own. Vital to this are the development of analytical skills, critical thinking, and the ability to make sound value judgments. Such an approach is important in national security law, because one will be confronted with circumstances where there is no right or wrong answer, but rather a multitude of policy implications. At the same time, it is important to educate students about the broader context in which they will be practicing. Multiple statutes and treaties address many issues in national security law, and because of this, it is important to give the student an ability to sense what they know and what they don't know.

¹ For a list of schools providing national security law programs, please consult the ABA Standing Committee on the Law and National Security's *Careers in National Security Law* available at http://www.abanet.org/natsecurity/nsl_text.pdf

Another important goal for the national security law instructors was educating their students on how to operate in the fast-paced environment of a national security lawyer. In some circumstances, the national security lawyer will only have thirty seconds to brief their client on a major issue. For these situations, it is important for national security law course to not only teach the relevant materials but also the ability to work under such high-pressure circumstances.

Teaching Relevant Context (History, Politics, the Constitution, Geography, etc.)

Perhaps more than any other legal field, historical, and political context are essential for understanding national security law and its cases. One panelist commented that while the students are extremely bright, nowadays the vast majority were fourteen years old when the attacks of September 11th occurred. Events that may have had a major impact on the instructor, such as the Vietnam War, do not have the same impact on their student body. Furthermore, while it is assumed that the student has a decent foundation in constitutional law from the first year courses, it is necessary to teach more of the constitutional law framework that applies to issues of national security. However, combined with the limited time frame of a semester and the packed schedule of a law student, it is challenging to provide as much context as the instructor would like.

Due to these constraints, the instructor can provide a broad understanding of the history and only delve deeply into the historical knowledge that is specifically relevant to the case. For example, while a discussion involving separation of powers could start at the War Powers Act and go all the way back to Locke, Montesquieu, and the *Federalist Papers*, the national security law instructor may only be able to address how those philosophical-legal works directly impact the case under discussion. Furthermore, lessons of overt history can provide students with a clearer understanding of how things have changed, i.e. within the laws of war, one can see the changes from Sherman's March to the Sea to the bombing of Germany and Japan to current Rules of Engagement in Afghanistan and Iraq.

In teaching the relevant context though, the current generation of law students responds extremely well to the use of technology and multimedia to teach about the historical context of the national security law casework. These methods allow for an instructor to provide a large amount of information about a historical event in a manner that engages the student. Not only can this method provide useful historical context, but it can also provide a way to bring current events into the classroom. On example raised was the recent confrontation over the Turkish flotilla trying to break the Israeli blockade of Gaza. In that situation students could compare the video provided by both the flotilla and the Israel Defense Force and compare that with what was given as evidence to the UN commission investigating the event.

Finally, with a limited timeframe to address historical context, an instructor can hope to kindle interest in a specific historical era or event, and thus the student will pursue further reading and research on that event during their own free time.

Balancing the Law, Policy, Ethics, and Personal Opinion

A major challenge in teaching national security law is the desire of students to look at the policy and/or ethical ramifications of a legal situation. However, this is not to say that the policy or ethics are factors to be ignored in the teaching of national security law. In fact, understanding how these issues intersect within the practice of national security law is vital for the development of a capable national security lawyer.

In order to educate a national security lawyer, it is important to first train the analytical skills that allow the student to be able to not only provide legal analysis, policy analysis, and ethical analysis for their client, but also to be able to distinguish the difference between the law, policy, and ethics.

Balancing these factors is not unique for the national security lawyer. Rule 2.1 of the ABA's Model Rules of Professional Conduct allow an attorney to use not just the law but also moral, economic, social, and political factors to advise their client.² If a client is ignorant of the policy implications of their decision, then it is vital that their lawyer explain them. In dealing with the matters of national security law, which may require a life-and-death decision within a matter of minutes, it is important to have well-honed analytical skills that encompass the intersecting legal, political, and ethical factors to provide the best advice to their client.

Part of the instruction of these vital analytical skills is also the need to impart upon the student the importance of impartiality and ethics. Matters of national security can often provoke strong personal feelings, but in order to provide their client with the best counsel, the national security lawyer will often have to set aside his own feelings or opinions on the subject. Furthermore, in the national security environment, there will be instances when an individual is operating behind layers of classification, thus making an individual's conscience their sole ethical guide, as few others will know about the issue, the advice, or the decision. Some of the greatest scandals in national security law have come from instances where secrecy, groupthink, and ambition have led intelligent and qualified persons astray.

For the instructor, teaching broader analysis, impartiality, and ethics can be a challenge, considering the limited time frame and the primary need to teach the relevant laws. However, looking at examples of previous ethical failures, or using scenario-based teaching (one example was to have students look at the overlapping authorities and advice they would need to give about a disaster in their hometown) can be useful tools to teach these very important issues.

IV. The Teaching of National Security Law in Military Academies and Senior Service Colleges

The military takes a different approach to national security law instruction, particularly since all its members must have a working background in national security, from the lowest privates and seamen to the generals and admirals.

² Counselor - Rule 2.1: Advisor

"In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation."

http://www.abanet.org/cpr/mrpc/rule_2_1.html

Teaching National Security Law at the Service Academies³

The military service academies have a unique position in teaching national security law as their curriculum is geared to provide future military officers with the necessary legal foundation for a battlefield commander, particularly in areas of the law of armed conflict, rules of engagement, the Geneva Convention, other international law, etc.

Furthermore, as U.S. Armed Forces increasingly operate in concert with coalition allies, some service academies, such as West Point, offer a second comparative law track. This educates the cadets about the legal similarities and differences that the commander will confront when working with the troops of other nations.

Similar to their civilian counterparts, the service academies have increasingly embraced the use of multimedia technologies for their legal education curriculums. Unique to the service academies has been the development of SIPRNet⁴ computer classrooms to allow the students to work with SECRET-level material. This has been increasingly useful for the teaching of course dealing with the legal issues of cybersecurity and cyberwarfare operations. Also, building on the competitive spirit between the military branches, an annual Inter-academy Law of Armed Conflict Competition

As a result, service academies offer unique law courses that serve not as a pre-law curriculum, but an undergraduate legal curriculum designed for transitioning their seniors to their platoon-level commands. Cadets are not just trained in the letter of the law, but also its application in the field. Legal exercises in the classroom include the planning of military operations such as hostage rescue, the drafting of rules of engagement, and the situations that a platoon commander will face conducting a limited war or peacekeeping operation in an urban area.

This poses a unique challenge, as the limited course length cannot delve deeply into all the legal matters that a commander may face. Furthermore, because of the unique scope of the service academies' legal courses, it can be hard for the instructor to find a suitable text.

Unique among the service academies, USCGA has to train its officers to serve as both a uniformed service and a law enforcement body. The USCGA curriculum is geared to address the differences between the law of armed conflict and the legal framework for law enforcement of American and international waterways. Thus every Coast Guard cadet has to take courses in maritime law with a component addressing the laws of armed conflict.

Teaching National Security Law at the War Colleges and Defense Universities⁵

³ United States Military Academy (USMA, West Point), United States Naval Academy (Annapolis), United States Air Force Academy (USAFA), United States Coast Guard Academy (USCGA)

⁴ Secret Internet Protocol Router Network – the computer network used by the Department of Defense and Department of State to transmit classified information.

⁵ Naval War College, Army War College, Air University, Marine Corps University, National Defense University

The U.S. Armed Forces pride themselves on a tradition of continuing education, and the War Colleges and the Defense Universities cater to senior level officers. The student body at these institutions is generally made up of officers who are in their forties, have served on multiple deployments, and likely hold multiple advanced degrees, as well as similar caliber officers from foreign militaries and senior staff from civilian agencies. The goal of these institutions is to create qualified individuals who advance from the tactical thinking of lower ranks to the strategic thinking of higher commands.

At these institutions, there is no national security law curriculum, per se. Rather, the core courses are based around a blending of ethical and legal factors that the strategic commander faces. In this education, the tactical commander is trained to move away from linear-thinking models to the non-linear situations that commander will confront where the outcomes may not be “good” or “bad” but rather “least-worst.” To equip the commander for such a situation, the teaching of analytical thinking, critical thinking, and moral thinking is a core goal. Understandably, the military commander has a skepticism of the legal issues that “comes from being shot at,” but these commanders will soon have to be drafting the rules of engagement for 18-to-20-year old “trigger puller.”

Beyond the battlefield legal issues, the students at the War Colleges and Defense Universities must address the legal issues of navigating the halls of Washington. In this area, the legal education addresses more traditional items such as constitutional law, the separation of powers, and the differences between Title 10, Title 18, and Title 50, as well as issues unique to military service inside the Beltway such as the role of dissent and the Congressional-Military interface. International courses allow American officers to work with their foreign counterparts to address issues of comparative law and international law that may be confronted on the battlefield.

The courses at the War Colleges and Defense Universities are condensed, but the legal and ethical training culminates in war-gaming activities of one to two weeks. Much like the live-fire training that soldiers and sailors receive for reflexive use of their weapons, these exercises train the officers to understand legal and ethical decision-making. These war games address the protection of civilians, rules of engagement, fighting militia forces, and determining the scope of the battlefield.

V. The Teaching of National Security Law for Judge Advocates General

The Judge Advocates of the U.S. and allied militaries are national security lawyers who operate where “the rubber meets the road.” These lawyers are trained to advise clients, i.e. military commanders, who are carrying out active operations. These lawyers need to be trained to provide counsel on international law, rules of engagement, the law of armed conflict, and detainee operations while under fire. Beyond the letter of the law, JAG officers must also understand the military context when they provide counsel. This means that a JAG must also be well versed in the tactics, platforms, and weapons that may be used.

At the same time, JAG training has begun to encompass “less traditional” legal areas as low-intensity conflicts have placed a greater emphasis on contract law, cultural competency, and other legal matters related to counterinsurgency and reconstruction operations.

Finally, when the JAG has returned to the home front, the JAG schools continue to provide education through annual legal surveys that update reservists on the changes in law, as well as training in the differences between Title 10, which addresses active military, and Title 32, which addresses the National Guard forces.

For the U.S. military's JAG schools, the challenge is to train the officer to be an effective battlefield lawyer. This results in a curriculum that must balance the institution's role as a law school and a "trade school." The majority of the students in these institutions arrives with little to no battlefield or other practical experience and require education regarding the interaction of their advice as a JAG and the commands their client ultimately issues. It is this relationship that defines the career of a JAG. The commander is trained to seek the JAG's advice, and the JAG encouraged to give that advice, but the commander will have the final say.

The military's JAG schools teach not only JAG officers but also enlisted individuals and non-commissioned officers who work as the paralegals of the JAG corps. These training courses, operated either individually or in concert with civilian law schools, generally last ten to twelve weeks, with some accelerated or paralegal courses being as short as six weeks. These courses, similar to the War Colleges and Defense Universities, culminate with a war-gaming exercise to evaluate the student's progress, as well as to provide a realistic environment to train JAG officers in providing counsel under fire and building a rapport with the troops for whom they will be drafting the rules of engagement. Furthermore, as the branches of the armed services increasingly operate in a joint manner, both with other U.S. Armed Forces and those of our allies, the JAG courses and training exercises place an emphasis on "jointness."

As with the other arenas for the teaching of national security law, the increased use of technology has improved JAG education. Secure video conferencing technology allows stateside students to work with practitioners in the field to address issues right from the battlefield. Secure computer laboratories allows JAGs to work on the cutting edge of cyber operations that are shielded by differing levels of classification.

International examples provided to the panel were that of one of our closest allies, Canada. In Canada, there is no one concept of national security, so the JAGs of the Canadian Forces are trained in operational law courses that address the law of armed conflict, international and humanitarian law, military statutes, and issues of crown prerogative.

For the JAG schools of the U.S. Armed Forces, continued interaction with both civilian law schools and allied JAG schools will help to improve the legal knowledge of the JAG officer. The interaction with the civilian schools allows military JAG officers to better study international humanitarian law and the laws of war. In particular, work with civilian institutions has provided a useful conduit for working with the International Committee for the Red Cross. Cooperation with and understanding of the operations of allied JAG officers improves the ability of U.S. forces to conduct operations by providing a better understanding of what capacities allied forces can bring to bear under their legal structures and rules of engagement.

VI. Detention as a Case Study for the Teaching of National Security Law

In order to provide a tangible example of the teaching of actual national security law issues, the symposium's panel discussed the teaching of the legal framework surrounding the detention of enemy combatants. This was not a debate on the substantive factors of detention; rather it was a discussion of how a professor approaches this topic in law school.

Pacing

The objective of the course is to train national security lawyers and as a result you want to teach in segments that can be easily understood by the student who is taking this one course amongst many others. You cannot be overly ambitious, because you will be covering a multitude of areas of national security law when addressing detention, but covering them all will make the mistake of glancing through deep subjects. For example, in teaching an eight-part course on detention, the limited timeframe means that you cannot teach about interrogation law.

Order

When teaching a course on a subject like detention, it is important to go back to the earliest cases. With the controversy over situations like Guantanamo, Abu Ghraib, and CIA detentions being more recent, it is easy to forget the detention of civilians immediately following the September 11th attacks. Failure to teach the students about these cases that involved immigration detention and the use of material witness statutes would fail to show the students that a gap existed in the law regarding preventative detention; a gap that would ultimately result in the use of the enemy combatant status.

Following the initial cases, it is important to revisit habeas corpus. This is a subject that is briefly covered in constitutional law, but when it comes to detention law, it is the ultimate check on the power of the Executive to detain an individual. Going back to the fundamental precedents such as *Ex parte Milligan* and *Ex parte Quirin* lays the foundation for tracing the case law and addressing recent precedents such as the *Hamdi*, *Padilla*, and *al-Mari*.

The "Moving Target" of Evolving Case Law

The legal cases surrounding detention continue to evolve. For example, the Habeas courts in Washington, DC hear who is eligible for detention under the Authorization of the Use of Military Force, and they have heard twenty-six cases so far. With this rapidly evolving and unstable body of casework, the teacher cannot teach this. Instead he or she must identify the main issues and how these cases will continue to evolve. Otherwise, trying to evaluate the various cases will eat up too much of the limited class time.

Because of the constantly evolving case law, it is also necessary to recognize that the casebook and curriculum will constantly be changing. While the books will become denser and issues like target killings and enhanced interrogations may be added over time, the issue has to be unpacked one layer at a time. While books remain fluid and the intersection of politics, law, and reality

will shift, the ultimate goal for the professor remains the same: to educate students to become good citizens and lawyers.

Issues of Opinion, Debates over Venue, and the Development of Detention Law

For an issue that is both ongoing and evolving, like detention, it is important that the professor remain impartial in educating the students. The professor must be careful to avoid the use of the classroom as a bully pulpit and allow the students to condense the legal questions, as well as the political and ethical dilemmas, in a meaningful way.

Furthermore, as the laws and legal precedents continue to evolve, the debate over whether the courts or Congress are the best venue for detention law remains. However, without a baseline level to determine whether a detention is legal or illegal, court opinions will arise as the issues arise, and there will be no logical framework for analysis.

VII. Approaching the Future of Teaching National Security Law

As the field of national security law continues to evolve, so does the education of national security law. The ultimate goal is to create a lawyer well equipped to serve his country in the national security community, and this requires teaching a practical, yet comprehensive, approach to understanding and implementing the law. Furthermore, while one can limit their approach to the law student, ultimately not just the law student must have an understanding of law and national security.

Identifying what a national security lawyer needs to know and the scope of national security law helps to address the curriculum, and the issues of policy and polarity help teach national security lawyers how to think about the practice of national security law. Finally, addressing the adequacy of current laws and improving national security law education will ensure that the United States can draw upon the skills of a well educate corps of national security lawyers.

What Does a National Security Lawyer Need to Know?

- **National Security Process:** Increasing the amount of education about the national security process, i.e. the process of consultation, counsel, deliberation, and decision-making that results in a national security, will help make a better generation of national security lawyers. Knowing the process ensures that a national security lawyer will know when it is timely to provide counsel and “be in the room when the decisions are made.” Such knowledge allows for a better result, as the counsel is provided within the relevant context and framework, and the accountability factors that result from the process are better understood. Furthermore, the teaching of the process will also help to give students a sense if the pace and tension of national security law is a suitable field.
- **Legal Biography:** Individual moral courage is essential to national security law. Since so much is done in secret, one’s conscience will be their only guide. To better educate

national security law students and develop this moral courage, national security law needs to place a greater emphasis on examples of national security lawyers who have shown strong moral courage, particularly through the teaching of biographies and case studies of those who have succeeded when facing a moral challenge, as well as those who have failed.

- Intelligence: In addition to understanding the national security process, it is vital that the national security lawyer understands the processes of intelligence gathering and analysis and is able to evaluate the quality of the intelligence. Intelligence will be the root of all the tools available during a national security lawyer's career, and how he or she evaluates that intelligence will help the lawyer determine whether they have all the facts and decide which tools to use.
- National Security Law = a Better Security Result: Law schools place an emphasis on the role of law because they are law schools. However, in the practice of national security law, the national security lawyer needs to be able to explain to their client why caring about the law is important. Thus, a national security lawyer needs to be equipped with the knowledge of how following national security law will improve the ultimate security result and benefit the nation. For example, a lawyer needs to be able to explain to a decision-maker why a free and open press is important, not just because of our national values, but also because it serves as a tool to easily rebut the false claims of the enemy.

The Scope of National Security Law

The parameters of what is considered national security law will continue to evolve and shift, but at the core of current national security law, the following areas were considered vital.

- International Relations Theory: Once a student arrives in law school, it is often forgotten that international relations is based on theories. Students need to be able to understand theories of realism, idealism, institutionalism, incentive theory, etc. so that they can understand how the practice of these theories affects the acceptance or rejection of international law.
- International Law: This is a combination of international and domestic laws that have resulted from international conventions, the UN process, and treaties. Understanding the principles of collective security, the law of armed conflict, and the role of treaties are vital to a strong national security law education.
- National Law: This is the body of laws that have developed in the United States regarding the national security arena. The statutes and precedents that have developed from constitutional law, civil liberties, and the separation of powers are now combined with laws that relate to intelligence gathering, homeland security, and cyber security. This burgeoning area requires a balance in teaching the core of domestic national security law and the rapid changes developing through legislation and court rulings.

- Process: As described in “What a National Security Lawyer Needs to Know,” the scope of the national security law education needs to provide the student with an understanding of how the legal framework and the institutional framework intersect to create the national security process. Teaching national security law must include and understanding of the chain of command, the role of the National Security Council, and how breakdowns occur in these processes. Teaching process will address both the enormity and complexity of national security decision-making, and show the difference between the normative processes, i.e. the chain of command, National Security Council, Department of Defense, etc., versus the informal decisions. Using historical examples and case studies will show how the process has intersected with the legal tools and the factors of personality to ultimately result in a policy decision.

Policy and Polarity

Ethics, morals, and the political factors are vital to understanding national security law and educating lawyers who can provide the best advice to their clients. Especially as the nation fights a war, decisions are made as a combination of military strategy and the political environment. A national security lawyer will have to understand the moral, ethical, and political benefits or costs of taking an action. Thus the national security law professor must teach the student to understand not only how to evaluate the letter of the law, but also the ultimate policy outcome as well.

Political polarity is also the enemy of good national security law. Rancor between political factions and viewpoints prevents good decision-making when it comes to matters of national security. Educating a national security lawyer must eliminate this polarity as much as possible to ensure that reasonable, informed, and pragmatic individuals are dealing with matters of international and national security law. Such lawyers will be able to argue for the rule of law that is ultimately in the best interest of national security and avoid policies that are harmful to the United States.

The Adequacy of Current Laws

Both within the national security law school community and the broader legal community, the adequacy of current national security law needs to be addressed. Current legal codes and government institutions are outdated for dealing with the threats of the 21st Century. The Federal Government continues to approach national security with stove piped agencies, and a comprehensive review would look at the adequacy of U.S. laws, operational laws, the law of armed conflict, and the role of international law, to name a few areas. Areas where laws overlap or where gaps exist could be identified and addressed. Furthermore, such a comprehensive approach could bring in the private sector for discussions of homeland security, cyber security, and other areas where their assistance is vital.

Such a debate would allow for a thoughtful and engaging approach to national security law, and address some of the excesses and shortcomings that have resulted from the rapid changes to the law in the past decade. As it was described “the luxury is that it is no longer September 12th.” A

public and transparent debate can result in better national security law than the ad hoc policies that have resulted from a case-by-case approach.

The Way Forward for National Security Law

- Interdisciplinary Studies: To improve the quality of a national security lawyer, law school students should be able to take other courses related to national security and international relations for credit. A prime example of this is the value that language education plays in working for the national security organizations. Allowing such credit will produce well-rounded graduates with competitive skills in the job market.
- A Layered Approach: A strong law program will provide the students with more than one perspective. While there is likely to be budgetary pressure against such an approach, having multiple persons teaching a national security law course will provide greater breadth to the course curriculum.
- Foreign Perspective: While the military places a very strong emphasis on bringing in experts from foreign countries, national security law education lags in this area. Foreign professors, foreign military officers, and foreign diplomats could provide useful insights for national security law students and increase the breadth and comparative law capacity of the courses. In an increasingly globalized world, this will greatly improve the capability of the course graduates.
- Communication and Connections: If a lawyer is to influence the policy process and the practice of national security law, effective communication is vital. Within the government, short and quick communication is most likely to have an impact. Furthermore, connections to practitioners in the field will allow the student to better understand the opportunities and challenges they will face following graduation. This will better relate to students the untold story of the energetic aides who drive the policy-making process. This better outreach will not only provide the students with a better education, but also allow the national security law community to build better ties with those in government, making it more likely to have a positive impact on decision-making.
- Freedom Regarding Course Structure: Increasing the autonomy of the professor to structure his course will result in a greater ability to provide a practical national security law course. One example mentioned was a professor's desire to wake up students at 4 a.m. to realistically simulate a national security crisis, but he was unable to do it due to limitations placed by the course structures of the law school. The unique nature of national security law makes it difficult to fit the course within the strict framework of more traditional legal education.