

Robert H. Smith Seminar
Terrorism: Constitutional, Historical and Social Science Perspectives

DESCRIPTION:

This seminar focuses on historical, legal and social science perspectives that bear on the problem of terrorism and the response of nation-states to threats of terror. Among the topics to be considered are the rise of the market-state and market-state terrorism; the impact of the market-state on theories of sovereignty and international law; the effectiveness, constitutionality, legality, and morality of criminal justice, intelligence and militarization responses involving detention, interrogation and trial; and government accountability to domestic and international institutions. The seminar concludes with a session devoted to policy proposals.

TOPICS AND READINGS:

Sept. 1 The Idea of a War on Terror Bobbitt (Pious to comment)

Bobbitt, *Terror and Consent* pp. 22-235

Peter Taylor (documentary film), "War on the West," available on line at
http://news.bbc.co.uk/2/hi/programmes/age_of_terror/7306413.stm

Sept. 7 The Domestic Theatre Bobbitt (Pious to comment: Executive Accountability)

Bobbitt, *Terror and Consent* pp. 239-396

David Cole, "A Larger War on Terror?" New York Review of Books, available online at
<http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1008&context=facpub>

Padilla v. Yoo (edited and abridged Version), or *Padilla v. Yoo* (unedited version)

Status of OLC Opinions as of 2009

OLC: Margolis Memo

Sept. 14 Enhanced Interrogation, Torture Pious (Bobbitt to comment)

Pious, "Torture of Detainees"

Pfiffner, "US Obligations"

Rumsfeld, Counter Resistance Techniques

CRS Treatment of Battlefield Detainees

DOD Investigations of Detainee Abuse

DOJ Narrative on CIA-Techniques

Sept. 21 Courts Martial, Military Commissions and Courts Pious (Bobbitt to comment)

Pious, Military Tribunals
DOJ Philbin Memo on Military Commissions
CRS Analysis of Tribunals after MCA
NYU Terrorist Trials Report Card

Sept. 28 The International Theatre Bobbitt (Pious to comment)

Bobbitt, *Terror and Consent* pp. 426-451, 484-520
Blair, "A Battle for Global Values" available online at
<http://www.foreignaffairs.org/20070101faessay86106/tony-blair/a-battle-for-global-values.html>

Oct. 5 Bush and Obama: Continuity or Change Pious (Bobbitt to comment)
Policy Proposals Bobbitt (Pious to comment)

Pious, "Continuity and Change in the War on Terrorism"
Bobbitt, *Terror and Consent* pp. 397-426, 452-483.