PubPol 475.001/750.001: Policy Frameworks in National Security

Winter 2023

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3227 Weill (office location)

Instructor Office Hours: 1230pm-330pm ET, Mondays
930am-1130am ET, Tuesdays

Course Term: 13-week session
9 January 2023 – 17 April 2023
400pm-650pm ET, Mondays
1230 Weill Hall

Course Description: The decisionmaking process for national security is a complex subject that involves the intersection of several factors to include the role of the President, the National Security Council, U.S. government departments and agencies with key roles and functions, Congress, the media, foreign partners, and the American public. Central to understanding how national security decisions are evaluated, decided, and ultimately approved is the legal and policy foundation that impacts how military and intelligence operations are carried out abroad, how domestic intelligence and law enforcement works within the United States, and where these international and domestic authorities overlap or even come into conflict depending on the national security issue at stake. Recognizing the relationships between these different elements is critical for those interested in this career field.
This course uses a dynamic and interactive format involving instructor lectures, writing assignments, group discussions, and student presentations to provide an in-depth look at the authorities, laws, and policies that govern national security decisionmaking. It begins with an examination of the modern era of U.S. national security beginning in 1947, provides an overview of the key departments and agencies involved in national security, and focuses on the unique role of the National Security Council as an important component that directly supports policy development for the President and other senior White House staff. It next explores a number of different laws and policies that are used to support national security activities, beginning first with those regarding the use of the US military overseas and domestically, then transitioning to those involving domestic intelligence, law enforcement, and homeland security. It ends with an examination of the complex set of issues around cybersecurity, given both the international and domestic considerations involved in managing responses to threats and protecting digital networks and critical infrastructure.

Course Objectives:

1. Explore the background and history of the U.S. national security enterprise.
2. Examine key national security laws and policies that have an international, domestic, or combined impact.
3. Understand the complexity of national security decisionmaking.
4. Develop practical analytic, writing, oral presentation, and collaboration skills relevant to national security career fields.

Course Grading: This class encompasses several graded components to include: two policy memos of various style and format; a class presentation that involves teamwork and collaboration with other students; four summaries of course themes and materials; and, a high degree of in-class participation.

<table>
<thead>
<tr>
<th>Component</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Summary memos</td>
<td>10%</td>
</tr>
<tr>
<td>Class participation</td>
<td>15%</td>
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<tr>
<td>Policy assessment panels</td>
<td>25%</td>
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<tr>
<td>Policy memos</td>
<td>50%</td>
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<td>Total</td>
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Summary memos: Summary memos that answer questions provided in the syllabus for different themes and topics will be required at 9am on modules 3, 5, 9, and 11. Each memo will be worth 2.5% individually for a total of 10% of the class grade. Memos will be submitted in Canvas and should consist of at least 500-600 words and answer questions based on a comprehension of assigned readings, lecture material, and any outside research. Memos will not be reviewed for grammar, style, and punctuation but rather on the basis of substantive comprehension. Memos submitted after 9am until 12pm will be docked 25%; memos submitted after 12pm will not receive a grade since the purpose of this
assignment is to think critically about relevant themes in advance and be prepared to discuss them during class.

Summary memo #1 due 9am, Monday January 30
Summary memo #2 due 9am, Monday February 13
Summary memo #3 due 9am, Monday March 20
Summary memo #4 due 9am, Monday April 3

Class participation, engagement, and attendance: Given the seminar-based format for the class, active student participation is essential in order to: a) express comprehension of assigned reading material; b) discuss current events related to national security issues; c) offer perspectives, comments, and questions about lecture content; and d) engage in cross-student discussion and reflection. This component of the class grade (15%) will be based on my assessment of student engagement in these criteria. The framework below provides the basis for how students will be evaluated, and is based on a numerical count of participation-related activity as described above. Instructor-directed questions to students based on submitted questions for panels, or questions about administrative or syllabus-related details, will not be counted as participation activity under this framework. Since the level of participation activity will be recorded manually and not in Canvas, I will give periodic updates to students on their progress throughout the semester.

<table>
<thead>
<tr>
<th># of Participation Responses</th>
<th>Grade</th>
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<tr>
<td>15+</td>
<td>A+/100%</td>
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<tr>
<td>14</td>
<td>A/95%</td>
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<tr>
<td>13</td>
<td>A- /90%</td>
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<tr>
<td>12</td>
<td>B/85%</td>
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<tr>
<td>11</td>
<td>B- /80%</td>
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<tr>
<td>9-10</td>
<td>C/75%</td>
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<td>7-8</td>
<td>C- /70%</td>
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<td>5-6</td>
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<td>3-4</td>
<td>D- /60%</td>
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<td>0-2</td>
<td>F/0%</td>
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Beyond the recorded participation activity that will account for the grade, I will be paying close attention to individual levels of engagement and focus. Signs of a lack of student focus or distractions with electronics are observable and noticeable. If patterns persist early in the semester I reserve the option to institute an electronics ban that will affect the entire class outside of when necessary for presentations. Such a ban will then only be lifted if a noticeable improvement occurs subject to my assessment.
While attendance is not formally part of the participation grade, absences in class eliminate opportunities to learn, participate, and develop bonds with fellow classmates, and is something students will have to consider when not attending. In addition, the following schema sets forth grade deductions for attendance absences without prior notification to me in writing via email. This is a professional standard that is common in workplace environments.

<table>
<thead>
<tr>
<th>Number of Absences</th>
<th>Grade Deduction</th>
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<tr>
<td>0-1</td>
<td>No grade deduction</td>
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<tr>
<td>2-3</td>
<td>5% grade deduction</td>
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<tr>
<td>4-5</td>
<td>10% grade deduction</td>
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<tr>
<td>6-7</td>
<td>15% grade deduction</td>
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<tr>
<td>8-9</td>
<td>20% grade deduction</td>
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<tr>
<td>10-11</td>
<td>25% grade deduction</td>
</tr>
<tr>
<td>12-13</td>
<td>30% grade deduction</td>
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**Student Panels:** Six student panels will be convened during modules 6, 11, and 14. Students will be split into teams to provide either a “pro or con” perspective (the pro team presenting the strengths and the con team presenting the weaknesses) of select national security laws, authorities, or policies. The size of the pro and con teams will depend on the overall number of students in the class, and students will be assigned to the different panels and pro/con teams in each panel based on an ordinal distribution. As a result, students will not have a choice on which panel or which side of the pro/con discussion they ultimately fall but each student will only be on one panel during the semester. The non-participants for each panel will be required to submit summaries of their positions on the policy topic and propose questions for the panelists, with further details provided below. This component will account for 20% of the overall class grade.

Student panel dates:

Panel #1: February 20 (2001 Authorization to Use Military Force)
Panel #2: February 20 (1807 Insurrection Act)
Panel #3: March 27 (1981 Executive Order 12333)
Panel #4: March 27 (2001 PATRIOT Act)
Panel #5: April 17 (2002 Homeland Security Act)
Panel #6: April 17 (CISA 2023-2025 Strategic Plan OR National Cybersecurity Strategy)

**Timing:** Each student will have up to five to seven minutes individually to present their position within the pro or con team, with a maximum of 15 to 20 minutes total for each team collectively. The instructor will then pose questions to the panelists based on student submissions and other sources.
Grading: Students operating in teams will be evaluated on their oral presentation skills, adherence to the recommended presentation format, and research and preparation for their “pro” or “con” assessment. Following the panel presentations, other students in class will engage in a question-and-answer session with the assembled student panel. Approximately 20% of this grade will be determined by the student’s performance on their assigned panel and 5% (5 panels x 1%) will be based on participation as audience members of the non-assigned panels. As an audience member, each student will submit in advance a one paragraph summary (three to four sentences) of their “pro” or “con” position for the relevant topic and at least one question via the assigned panel-specific files in Canvas at 9am the day of each panel. Summaries submitted after 9am until 12pm will be docked 25%; those submitted after 12pm will not receive a grade since the purpose of the summaries and questions is to think critically about panel themes in advance and be prepared to discuss them during class.

Policy Memos: Two different writing assignments will be required, and collectively these will equal 50% of the total grade (25% + 25%). These memos will be due on March 13 and April 17 by 4pm and submitted via memo-specific files created in Canvas. Absent a medical or family emergency that is communicated in writing, or a documented medical accommodation form submitted earlier in the semester, no extensions will be granted prior the due date. For each day a memo is submitted late with no prior communication or extension request approved, 10% will be deducted from the memo grade (e.g., day 1 10% reduction, day 2 20% reduction, etc.)

In these assignments there is no “right or wrong answer” regarding the selected topics. However, students will be evaluated in their ability to: write cogently and concisely; present a logical argument within a coherent memo structure; and minimize grammatical or spelling errors and avoid colloquial expressions. Students will be expected to conduct research to support their assessments beyond the material listed in the course readings, and details on all the potential issues are available through Internet-based sources from major newspapers like the New York Times and Washington Post; a variety of national security-related periodicals and websites; academic and research organizations; and U.S. government publications and documents. Memos will be single-spaced in 12-point Times New Roman font, in MS Word .doc format (not Adobe .pdf format) with bolded text to designate headers between key sections and footnotes or endnotes to support factual references.

- Policy Memo #1 (Due March 13): In a four-to-five-page memo, describe the origins of one of the national security authorities regarding the use of the US military overseas or inside the United States (1807 Insurrection Act; 1878 Posse Comitatus; 1973 War Powers Act; 2001 Authorization to Use Military Force; 2002 Authorization to Use Military Force; or, 2006 Military Commissions Act); evaluate its application in a recent
national security crisis or operation; and, recommend whether any changes are required to ensure its continued use.

- Policy Memo #2 (Due April 17): In a four-to-five-page memo, describe the origins of one of the national security authorities regarding domestic intelligence, law enforcement, homeland security, or cybersecurity (1978 FISA; 1981 Executive Order 12333; 2001 PATRIOT Act; 2002 Homeland Security Act; the 2004 Intelligence Reform and Terrorism Prevention Act; or, CISA 2023-2025 Strategic Plan); evaluate its application in a recent national security crisis or operation; and, recommend whether any changes are required to ensure its continued use.

Required Texts: There are no required textbooks for the course. However, required material is provided for each class based on publicly available documents via the Internet, and some weeks include additional readings that can supplement the main ones. Required readings will also be provided in Canvas a week before each class so students can access them through that platform. In addition, students can familiarize themselves with a rich history of literature on U.S. national security decision-making, and a list is provided at the end of the syllabus.
Ford School Inclusivity Statement: Members of the Ford School community represent a rich variety of backgrounds and perspectives. We are committed to providing an atmosphere for learning that respects diversity. While working together to build this community we ask all members to:

- share their unique experiences, values and beliefs
- be open to the views of others
- honor the uniqueness of their colleagues
- appreciate the opportunity that we have to learn from each other in this community
- value one another’s opinions and communicate in a respectful manner
- keep confidential discussions that the community has of a personal (or professional) nature
- use this opportunity together to discuss ways in which we can create an inclusive environment in Ford classes and across the UM community

Ford School Public Health Protection Policy: In order to participate in any in-person aspects of this course—including meeting with other students to study or work on a team project—you must follow all the public health safety measures and policies put in place by the State of Michigan, Washtenaw County, the University of Michigan, and the Ford School. Up to date information on U-M policies can be found here. It is expected that you will protect and enhance the health of everyone in the Ford School community by staying home and following self-isolation guidelines if you are experiencing any symptoms of COVID-19, have been exposed to someone with COVID-19, or are awaiting a test result because of symptoms. If you do not have a verified COVID-19 vaccine report in the U-M vaccination report system, you are required to participate in weekly testing if you intend to come to campus for any reason.

Student Mental Health and Wellbeing: The University of Michigan is committed to advancing the mental health and wellbeing of its students. We acknowledge that a variety of issues, both those relating to the pandemic and other issues such as strained relationships, increased anxiety, alcohol/drug problems, and depression, can directly impact students’ academic performance and overall wellbeing. If you or someone you know is feeling overwhelmed, depressed, and/or in need of support, services are available.

Kristen Carney, LMSW is an embedded counselor within the Ford School. She is available to meet with Ford School students in-person or via remote access using Zoom. You may reach her at krisca@umich.edu. In addition, you may access other counselors and urgent services at Counseling and Psychological Services (CAPS) and/or University Health Service (UHS). Students may also use the Crisis Text Line (text ‘4UMICH’ to 741741) to be
connected to a trained crisis volunteer. You can find additional resources both on and off campus through the University Health Service and through CAPS.

**Accommodations for Students with Disabilities:** If you believe you need an accommodation for a disability, please reach out to U-M Services for Students with Disabilities (SSD) office to help determine appropriate academic accommodations and how to communicate about your accommodations with your professors. Any information you provide will be treated as private and confidential.

**Academic Integrity:** The Ford School academic community, like all communities, functions best when its members treat one another with honesty, fairness, respect, and trust. We hold all members of our community to high standards of scholarship and integrity. To accomplish its mission of providing an optimal educational environment and developing leaders of society, the Ford School promotes the assumption of personal responsibility and integrity and prohibits all forms of academic dishonesty, plagiarism and misconduct. Academic dishonesty may be understood as any action or attempted action that may result in creating an unfair academic advantage for oneself or an unfair academic advantage or disadvantage for any other member or members of the academic community. Plagiarism involves representing the words, ideas, or work of others as one’s own in writing or presentations, and failing to give full and proper credit to the original source. Conduct, without regard to motive, that violates the academic integrity and ethical standards will result in serious consequences and disciplinary action. The Ford School's policy of academic integrity can be found in the MPP/MPA, BA, and PhD Program handbooks. Additional information regarding academic dishonesty, plagiarism and misconduct and their consequences is available at: [http://www.rackham.umich.edu/current-students/policies/academic-policies/section11#112](http://www.rackham.umich.edu/current-students/policies/academic-policies/section11#112)

**Use of Technology:** Students should follow instructions from their instructor as to acceptable use of technology in the classroom, including laptops, in each course. All course materials (including slides, assignments, handouts, pre-recorded lectures or recordings of class) are to be considered confidential material and are not to be shared in full or part with anyone outside of the course participants. Likewise, your own personal recording (audio or video) of your classes or office hour sessions is allowed only with the express written permission of your instructor. If you wish to post course materials or photographs/videos of classmates or your instructor to third-party sites (e.g. social media), you must first have informed consent. **Without explicit permission from the instructor and in some cases your classmates, the public distribution or posting of any photos, audio/video recordings or pre-recordings from class, discussion section or office hours, even if you have permission to record, is not allowed and could be considered academic misconduct.**
Please review additional information and policies regarding academic expectations and resources at the Ford School of Public Policy at:
https://intranet.fordschool.umich.edu/academic-expectations
SYLLABUS

Module 1 – January 9  
Class Overview and Introduction

Summary: This module involves student and instructor introductions and explores the class schedule, grading schema and assignments, and instructor expectations. It provides a quick look at how US national security decisionmaking was structured and organized prior to World War II, and examines the role of the National Security Council in the aftermath of the 1947 National Security Act.

Assignments: (none)

Questions: 1. How does the Constitution define the President’s authorities as Commander-in-Chief?
2. What were some of the key changes in the US military before the outbreak of World War II?
3. What was the significance of the 1947 National Security Act?

https://constitution.congress.gov/browse/essay/artII_S2_C1_1_2/

(Instructor will provide .pdf)

*No Class January 16 due to Martin Luther King Jr Holiday*

Module 2 – January 23  
Congress vs the Executive Branch

Summary: This module examines the role of the 1973 War Powers Act on Congress’ role in authorizing the use of U.S. military force versus how different presidents have invoked Executive Branch authorities to authorize military operations. It also explores U.S. law and policy that provide authorities for military and intelligence operations overseas by examining the relationship between Title 10 and Title 50.

Assignments: (none)
Questions: 1. What is the biggest tension between Congress and the Executive Branch with respect to decisions on using military force? 2. What are key features of the War Powers Act? 3. What is the Title 10-Title 50 debate most principally about?


Module 3 – January 30

Summary: This module examines the impact of the 2001 and 2002 Authorizations to Use Military Force (AUMFs) in the post 9/11 environment and their national security legacies nearly twenty years later.

Assignments: Summary memo #1 due 9am

Questions: 1. What was the national security context behind the passage of the 2001 and 2002 AUMFs? 2. Did the AUMFs become stronger, weaker, or stay the same between the Bush to Obama administrations? 3. Is a new AUMF necessary to authorize military force in the context of great power competition and regional threats?


Module 4 – February 6

Military Operations - Detention
Summary: This module examines the impact of the 2006 Military Commissions Act (MCA) on the detention of terrorism-related detainees captured overseas in the post-9/11 era, and how this contrasts with the traditional Article III process for criminal prosecutions.

Assignments: (none)

Questions: 1. How did the United States treat terrorism suspects at home and abroad prior to 9/11? 2. What was the legal rationale for using the Guantanamo Bay detention facility immediately after 9/11? 3. What were the policy implications of the 2006 Hamdi vs Rumsfeld Supreme Court ruling?


Module 5 – February 13
Military Operations – Domestic

Summary: This module examines US law such as the 1807 Insurrection Act, the 1873 Posse Comitatus Act, or Title 32 on the use and limits of military force inside the United States.

Assignments: Summary memo #2 due 9am

Questions: 1. What was the basis for the Posse Comitatus Act in the 1870s? 2. What constitutes a violation of the Act? 3. When can federal troops supplant civil authorities in the United States?

Module 6 – February 20

Summary: This module concludes the portion of the course that examines military operations overseas and in the United States. Two different student panels will convene to examine the pros and cons of the 2001 Authorization to Use Military Force and separately the 1807 Insurrection Act.

Assignments: Student panel #1 (2001 Authorization to Use Military Force), student panel #2 (1807 Insurrection Act); panel questions due 9am

*No Class February 27 due to Winter Break

Module 7 – March 6

Summary: This module explores the origins of the FBI and other US intelligence agencies after World War II, and how they began to be utilized for political purposes other than their primary national security missions. It uses the COINTELPRO and Watergate scandal as case studies to further understand how these abuses occurred.

Assignments: (none)

Questions: 1. What was the basis of the FBI’s origins as a law enforcement agency? 2. How did long-time FBI Director J. Edgar Hoover change the FBI, and what were the strengths and weaknesses of that approach? 3. What were the biggest findings of the Watergate scandal and impact on FBI and domestic intelligence?

Cunningham, David. “Chapter 1 - Counterintelligence Activities and the FBI.” *There’s Something Happening Here – The New Left, the Klan, and FBI Counterintelligence*. University of California. 2004. 27 pages. (Instructor will provide .pdf)

**Module 8 – March 13  Domestic Intelligence & Law Enforcement – Part 2**

**Summary:** This module examines the impact of and the Attorney General Guidelines on the Department of Justice that were developed in the aftermath of the Watergate scandal, and the reforms that implemented as a result to curb domestic intelligence abuses. It also explores the foundations for U.S. intelligence operations before 9/11, including the 1978 Foreign Intelligence Surveillance Act (FISA) and 1981 Executive Order 12333.

**Assignments:** Policy memo #1 due 4pm

**Questions:**

1. What were some of the key reforms instituted as a result of the first Attorney General Guidelines in 1976, and what did they seek to accomplish?

2. What were the bases for FISA in 1978 and Executive Order 12333 in 1981?

3. What were the national security threats of most concern during this period of time?


Module 9 – March 20

Summary:
This module explores the significant changes in domestic intelligence and law enforcement as the result of the intelligence failures in the run up to 9/11 and the 2003 Iraq War. It examines the 2001 PATRIOT Act and 2004 Intelligence Reform and Terrorism Prevention Act (IRTPA) on the collection of intelligence in the United States, and the tensions between privacy and civil liberties and national security within the Homeland.

Assignments:
Summary memo #3 due 9am

Questions:
1. What intelligence policy gaps and seams did the PATRIOT Act attempt to close after 9/11?
2. Nearly twenty years after the passage of IRTPA, is its original purpose still appropriate or does it need significant changes?
3. What is the role of Congress in driving further Intelligence Community reform, and what domestic collection issues need further attention?

Readings:


“Intelligence Community and Intelligence Community Reform.” The Atlantic Council. October 2022. (61 minutes) https://www.youtube.com/watch?v=PO9LfAWxyLs

Module 10 – March 27

Summary:
This module concludes the portion of the course that examines the evolution of domestic intelligence and law enforcement authorities in the
United States. Two different student panels will convene to examine the pros and cons of the 1981 Executive Order 12333 and separately the 2001 PATRIOT Act.

Assignments: Student panel #3 (1981 Executive Order 12333), student panel #4 (2001 PATRIOT Act); panel questions due 9am

Module 11 – April 3

Homeland Security

Summary: This module examines the creation of the Department of Homeland Security in 2002 and its evolution for the last two decades from a counterterrorism-centric approach to a broader one that encompasses several missions that affect national security.

Assignments: Summary memo #4 due 9am

Questions: 1. Why was DHS created, how is it structured, and what are its day-to-day functions? 2. What is the relationship between DHS and the IC and how has DHS' mission changed with regard to intelligence over time? 3. What major challenges does DHS face today and how can it adapt to meet these challenges in the future?


Module 12 – April 10

Cyber Policy

Summary: This module begins with the student panel examining the pros and cons of the 2002 Homeland Security Act. It then explores the evolution of the US approach on cybersecurity and the effect of different policies, laws, and authorities that govern the current US framework. It also considers the different tools the US can use in response to cyber operations and attacks directed at the United States.

Assignments: (none)
Questions: 1. What are the biggest strengths and weaknesses in the US cybersecurity approach?
2. Should there be a fundamental reorganization of the current federal roles and functions in cybersecurity?
3. What more does private industry and state and local governments need to do strengthen US cybersecurity defenses?


Module 13 – April 17 Student Panels – Homeland Security & Cyber Topics

Summary: This module concludes the portion of the course that examines the evolution of homeland security and cyber policy in the United States. Two different student panels will convene to examine the pros and cons of the 2002 Homeland Security Act and separately the CISA 2023-2025 Strategic Plan (or forthcoming Biden administration Cybersecurity Strategy if published by this timeframe).

Assignments: Student panel #5 (2002 Homeland Security Act) + student panel #6 (CISA 2023-2025 Strategic Plan OR National Cybersecurity Strategy), panel questions due 9am; policy memo #2 due 4pm
SUPPLEMENTARY COURSE MATERIAL

National Security Decisionmaking


