Cases and Materials on U.S. Law and National Security
4th Edition

By: Ron Sievert
Career Department of Justice Attorney
Professor, George H.W. Bush School of Government and Adjunct Professor, University of Texas of Law

- Provides fundamentals of national security and homeland security law for students, attorneys, and scholars
- Only resource available with a focus on real world and concrete problems confronted daily by agents and attorneys handling national security cases
- New edition includes both famous and important new cases, as well as sections on border security and the use of drones and satellites

“Anyone with a professional or personal interest in counterterrorism, espionage, or counterintelligence will find Sievert’s Cases and Materials indispensable reading”

James M. Olson | Former CIA Chief of Counterintelligence

About This Title

The book highlights the basic fundamentals of National Security and Homeland Security Law for law students, attorneys, and master’s students, as well as federal agents who intend to practice in this area or handle national security cases. Its selection of materials focuses on content related to the concrete daily problems confronted by agents and line attorneys handling national security cases in order to help students and attorneys who might soon have to draft or approve, or critique a request for a search, wiretap, or complex indictment. Key issues covered also include interrogation, domestic search and seizure, foreign searches, suspect arrest and extradition, and coordination of processes with military and intelligence communities. The material will also help government and private attorneys navigate the complex new law related to transponders, cell site simulators, cell phones, personal computers, and drones. Finally, the last section on Congressional versus Presidential war powers covers an important area, still unsettled, whose underlying tenets should be understood by all potential American leaders.

New to this edition are important recent cases, including Humanitarian Law Project v. Holder, Jones, Riley, Carpenter, Rigmaiden, Cotterman, Aldawsari, and Mohamud. Many of these relate to foreign and domestic electronic surveillance. There are new sections on border and immigration law and on the biological hazard threat, as well as updated sections on war powers to cover President Obama’s and President Trump’s actions in the Middle East and on utilization of drones and satellites against U.S. citizens.

“Ron Sievert’s new casebook covers the waterfront of national security topics—from the perennial issues that arise at the intersection of security and privacy to the controversies at the center of today’s policy debates—and provides a unique insider’s perspective on the legal analysis behind our country’s national security operations. It is an indispensable resource for any teacher or student of national security law.”

Kan Wainstein | Former AAF U.S. DOJ National Security Division
## About The Author

**Ron Sievert** graduated from St. Bonaventure University in 1970, served four years as an Army officer and graduated from the University of Texas School of Law in 1977. He joined the US Department of Justice in 1983. He served as Chief of the Austin Division, Chief of the Eastern District's Criminal Division and as an Assistant Director in Washington. In 1990 he was assigned to DOJ's National Security Working Group and as an International and National Security Coordinator for the Department as well as legal advisor to the Central Texas Counter Terrorism Working Group. He began teaching at the FBI Academy and US Department of Justice Advocacy Institute in 1985. In 1999 he began teaching National Security Law and Federal Criminal Law at the University of Texas School of Law and has continued at UT while teaching national security, homeland security and international law full time at the George H.W. Bush School of Government. He has published two books, *Cases and Materials on US Law and National Security* (First through Fourth Editions) and *Defense, Liberty and the Constitution* (2005) as well as several Law Review Articles on legal issues related to national security.

## Table of Contents

- Dedication
- Acknowledgments
- Preface [to the First Edition]
- Preface to the Second Edition
- Preface to the Third Edition
- Preface to the Fourth Edition

### Chapter One Threats Associated with Foreign Enemies: Treason, Espionage, and Terrorism
- Section 1. Treason
- Section 2. Espionage
- Section 3. Terrorism

### Chapter Two Threats That Arise from Within
- Section 1. Threats from Domestic Anti-Government and Hate Groups
- Section 2. Disclosure of Information Detrimental to National Security
- Section 3. Export Control
- Section 4. Crimes Committed by Government Officials under Alleged Public Authority

### Chapter Three The Government’s Power to Act Domestically in a Crisis
- Section 1. Habeas, Military Tribunals and Military Commissions
- Section 2. Use of the Military Short of Martial Law
- Section 3. Extraordinary Measures

### Chapter Four Obtaining Evidence Against Those Who Constitute a Threat to National Security
- Section 1. Extraterritorial Application of the Fourth Amendment
- Section 2. Electronic Surveillance
- Section 3. Interrogation
- Section 4. Extradition and Rendition
- Section 5. Classified Information Procedures Act

### Chapter Five The Government’s War Power
- Section 1. Executive and Congressional Authority and the Scope of Judicial Review
- Section 2. Efforts to Restrain Executive Military Actions
- Section 3. "Limited" War

Table of Cases

Index