

Prosecuting Terrorists in Article III Courts
Proposed Syllabus

The primary text is Abrams, *Anti-Terrorism and Criminal Enforcement* (2d ed., Thompson/West 2005). A packet of other materials will also be used.

I. Principles

Week One **Principles of Counter-Terrorism Prosecutions**

- Choice of forum
 - Prosecute like old *La Cosa Nostra* – “spitting on sidewalk”
 - Prevention v. past crimes
 - Disruption through use of Immigration, money laundering, and conspiracy law.
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II. The Law

Week Two **The Major Legislative Packages**

- Omnibus Diplomatic Security & Antiterrorism Act
 - Antiterrorism & Effective Death Penalty Act
 - USA PATRIOT Act
 - Homeland Security Act
 - Intelligence Reform & Terrorism Prevention Act of 2004
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Week **Definitions of Terrorism**

Three **Selected Criminal Statutes**

- 18 U.S.C. § 2332 Terrorism
 - 18 U.S.C. § 2332a Weapons of Mass Destruction
 - 18 U.S.C. § 2332b Acts of Terrorism Transcending National Boundaries
 - 18 U.S.C. § 2332d Financial Transactions
 - 18 U.S.C. § 2332f Bombing
 - 18 U.S.C. § 2332g Missiles to Destroy Aircraft
 - 18 U.S.C. § 2332h Radiological Dispersal Devices
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Week Four **Selected Criminal Statutes (cont.)**

- 18 U.S.C. § 175c Variola Virus
 - 18 U.S.C. § 2339 Harboring Terrorists
 - 18 U.S.C. § 2339C Financing Terrorism
 - 18 U.S.C. § 2339A Providing Material Support to Terrorists
 - 18 U.S.C. § 2339B Providing Material Support to Designated Foreign Terrorist Foreign Organizations
 - *United States v. Sattar*
 - *Humanitarian Law Project v. U.S. Dep’t of Justice*
 - *United States v. Hammoud*
 - *United States v. Al-Arian*
 - 8 U.S.C. § 1189 Designation of Foreign Terrorist Organizations
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Week Five **Selected Criminal Statutes (cont.)**

- Immigration law
 - Money Laundering
 - Conspiracy law
 - Aiding & Abetting, 18 U.S.C. § 2
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III. Investigations	
Week Six	Overview of Intelligence Community Overview of Federal Law Enforcement Agencies National Security Information <ul style="list-style-type: none">• Sensitive Information and Sensitive Compartmented Information• Security Clearances, Procedures & Penalties• Intelligence v. Evidence
Week Seven	Tearing Down The Wall <ul style="list-style-type: none">• <i>In re Sealed Case</i><ul style="list-style-type: none">◦ <i>Banks, And the Wall Came Tumbling Down: Secret Surveillance After the Terror</i>, 57 U. Miami L. Rev. 1147• USA PATRIOT Act provisions on information sharing
Week Eight	Fourth Amendment Framework Attorney General's Guidelines <ul style="list-style-type: none">• Criminal Guidelines For Terrorism Organizations• For National Security Investigations U.S. Agents Acting Abroad <ul style="list-style-type: none">• <i>United States v. Verdugo-Urquidez</i>• <i>United States v. Bin Laden</i>• <i>United States v. Alvarez-Machain</i>• <i>Sosa v. Alvarez-Machin</i>
Week Nine	Electronic Surveillance <ul style="list-style-type: none">• FISA• Title III
Week Ten	Interviews & Interrogation Use of Grand Jury Material Witnesses <ul style="list-style-type: none">• 18 U.S.C. § 3144
IV. Adjudication	
Week Eleven	Classified Information Procedures Act <ul style="list-style-type: none">• Title 18 U.S.C. Appendix 3• <i>United States v. Yunis</i>• <i>United States v. Rezaq</i>• <i>United States v. Fernandez</i>• <i>United States v. Jolliff</i>• <i>United States v. Bin Laden</i>• <i>United States v. Lee</i>

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Week Twelve	Physical Security Witness Protection United States Sentencing Commission Guidelines Litigation Strategies
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V. Case Studies

Week Thirteen	Case Study: <i>United States v. Moussaoui</i>
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Week Fourteen	Case Study: Albany's <i>U.S. v. Aref and Hossain</i>
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