NATIONAL SECURITY LAW LAB

LAW 696.XX:

Are you interested in national and international responses to terrorism and international conflict? Do you wonder how Canada’s laws and policies protect us from a host of threats – not just terrorism, but from foreign state interference, in times of war, or even in the wake of environmental or other disasters? Do you care about how raw intelligence is shared, with whom, and who oversees it? Perhaps it’s the idea of engaging in theoretical debates about how the law protects civil and political rights in times of great danger that makes you sit up and take notice? Or maybe you’re just following what’s happening in the United States and wondering how the laws and institutions would function in Canada if challenged by executive authority or foreign interference? If you answered ‘yes’ to one or more of these questions then this is definitely the course for you!

In this course we will canvass the disparate laws and policies that make up the emerging field of “national security law” in Canada. You will review the most controversial aspects of this legal regime – including criminal laws and CSIS powers stemming from Bill C-51 and the proposed Liberal government amendments thereto (which will likely be debated or have just been passed into law when this course takes place). To the extent possible, we will follow these debates – or novel cases – in real-time. We will also look broadly at our institutions and institutional actors and ask what steps Canada has taken and what steps it might take to protect our safety, democracy, and civil rights, and how we should balance these sometimes competing interests.

This class will be a lot of fun with a lot of lively debate. But it will also require a lot of reading and class preparation. The reading is fascinating – and because there is no exam you won’t have to slow down to summarize cases for a CAN! – but it is also intensive. Assignments will be various, from preparing “elevator pitches” on new proposed policies to preparing for in-class crisis simulations. The idea is to make the classroom – and the methods of evaluation – challenging but dynamic. Students will be expected to put in the work during the term, really think deeply about the issues, and come to class prepared to engage. Students will also be expected to make themselves available outside of class time on occasion, sometimes in small groups with the times set by the students and sometimes with the class as a whole either early on Friday mornings or early on Friday afternoons.

But students will be rewarded for their hard work and participation. They will be provided with a deep overview of an important, emerging area of law that few students at any level in Canada have the opportunity to study. They will engage in classroom exercises and mock emergency simulations, including via videoconference with (and perhaps against) students at the University of Ottawa, Faculty of Law. Outside of class hours interested students will have the exclusive opportunity to listen to lectures on American national security law from Professors at Georgetown Law School in Washington, DC. Students will also hear from experts and practitioners in the field, including high-level bureaucrats, police officers, spies, and, depending on scheduling, from Members of Parliament.

Due to the nature of the course students should expect a syllabus that is highly specific but that also remains in flux. For example, when a high-level CSIS lawyer is scheduled to attend and a terrorist threat emerges, students should expect such a speaker to have to reschedule. It is the nature of a demanding schedule and high-level speakers: if you’d prefer no guests and a static schedule, then consider that this isn’t the course for you. But if you’re willing to remain flexible then these speakers will introduce you to
government practice, jobs and other opportunities. And be certain: we always leave time to speak about jobs in national security, whether with the police, NGOs, the federal government, or perhaps in international law.

Finally, two to four students will also be selected from the class to attend Georgetown Law’s annual *Crisis Simulation* in early March, 2018. Selected students will be expected to put in a significant amount of additional work, including mandatory attendance at all joint discussions with the University of Ottawa class and the required viewing of certain Georgetown Law lectures. Additional readings will also be assigned. However, selected students will be significantly rewarded: they will be sent free of charge to Georgetown Law School in Washington, DC, to participate in a world-class, crisis simulation with top students from across North America. There, students will be given a crisis – from a terrorist attack, to an environmental disaster or pandemic – and given two or three days to simulate the governmental response to the crisis. The crisis simulation will be kinetic: students will be updated periodically with “developments” and asked to respond accordingly. The idea is to deal not just with the law, but the politics, to give the students a practical opportunity to think about the very real big questions facing nations in the area of national security. Alongside five national security lawyers from the Department of Justice in Ottawa, the Calgary students, partnering students of national security law at the University of Ottawa, Faculty of Law, and perhaps a few other select students from other schools in Canada, will be responsible for simulating the “Canadian” legal and political response alongside their American colleagues.

The course will have a capped enrollment of 12 students. Admission to the course is at the discretion of the instructor. As such, please send applications to Tanya Degen in the Dean’s office (fourth floor), no later than noon on **Friday, July 7, 2017**. They may also be emailed to: tdegen@ucalgary.ca. The application should consist of your current CV and a short paragraph or two explaining your interest in the course and what you would like to get out of the experience.

Students wishing to attend the Georgetown *Crisis Simulation* should also submit their transcripts and an additional two paragraphs explaining why they are interested in the opportunity and whether they have any mooting or similar experience. These students should also explain why they will be able to handle the additional work-load and why they can be counted on to stick with the opportunity.