## Course Syllabus and Policy Requirement Statement

Your access to course material implies that you, understand, and familiarized yourself with the following:

- You have read, understood, and will comply with the policies and procedures listed in the class syllabus, and that you have acquired the required textbook(s).
- You have read, understood, and will comply with class policies and procedures as specified in the online Student Handbook.
- You have read, understood, and will comply with computer and software requirements as specified with Browser Test.
- You have familiarize yourself with how to access course content in Blackboard using the Student Quick Reference Guide or CSS Student Orientation Course.

# ISSA 6315 – Legal and Ethical Issues in Intelligence Profession

## Course Description/Overview

This course will review the ethical requirements related to intelligence agencies and the agents who work at them. Normative ethical guidelines will be utilized to suggest proper (best) practices related to specific situations.

Although terrorist organizations targeted US interests and personnel overseas for decades, prior to 1993 and the bombing of the World Trade Center, terrorist activity was a foreign concept to many Americans. Even though domestic terrorists struck targets within the US, the illusion of protection and insulation was shaken by the attacks on 9/11, and the immediate, increased need for timely, actionable intelligence came to the forefront of media attention and public debate. The 9/11 attacks were widely perceived, rightly or wrongly, as a major intelligence failure. In the midst of two prominent wars and several ancillary military actions worldwide, the fear of attacks among the US populace became more prominent. With the 9/11 attacks, the US had another significant intelligence failure on its hands which led to a massive reorganization of the homeland security efforts and, in some cases, additional redundancies and duplications of effort. The US also sought to strengthen its alliances with intelligence agencies throughout the world and the sharing of information became more widespread.

The US and allied responses did not go unchallenged by terrorist organizations as they continued to change and swiftly adjust to US actions. Al-Qaeda became more decentralized and more of an inspiration to groups and, more problematically, individuals worldwide. With the growth of the Internet, Homegrown Violent Extremists (HVEs) and disgruntled or marginalized individuals could now become self-radicalized with little to no contact with others and, most dangerously, outside the possible observation of intelligence or law enforcement officials.

This course will consist of eight major blocks of instruction, noted below. The reading material will consist of a series of published journal articles, chapters from the primary and secondary texts, and government documents interspersed with lectures and interviews found on-line or provided with the instruction. The prosecution of the war on terrorists/terrorism has been controversial and this course, by its nature, is meant to be highly interactive and open to divergent reasoning and analysis, taking into account the course material and the backgrounds and experiences of the instructor and students. Very few situations, either past or present, have only one possible interpretation. Current events could, and will, shape the weekly discussions.

*Click this link for a [printable version of the syllabus](#).*

# Required Texts and Materials:

## Required Texts:

1. Jan Goldman (Ed.). *The Ethics of Spying: A Reader for the Intelligence Professional, Vol II*. (Scarecrow Press, 2010) ISBN: 978-0-8108-6198-5 (pbk).
2. Additional readings, which will be electronically retrievable, will be assigned for specific classes.

## Additional Reading, in support of Capstone or Thesis Research:

1. Omand, David and Mark Phythian. *Principled Spying: The Ethics of Secret Intelligence*. Washington, DC: Georgetown Press, 2018.
2. William Banks, *New Battlefields/Old Laws: Critical Debates on Asymmetric Warfare*. (Columbia University Press, 2011).
3. Jonathan R. White, *Terrorism and Homeland Security*. (Wadsworth Publishing, 2017).
4. David L. Perry, *Partly Cloudy: Ethics in War, Espionage, Cover Action, and Interrogation*. (Scarecrow Press, 2010).
5. Terrence P. Dwyer, *Legal Issues in Homeland Security: U.S. Supreme Court Cases, Commentary and Questions*. (Looseleaf Law Publications, Inc. 2015).
6. Bruce Hoffman, *Inside Terrorism.* (Columbia University Press, 2006).
7. David Kilcullen, *Counterinsurgency*. (Oxford University Press, 2010).

## On-line Counterterrorism and Intelligence Resources

1. Combating Terrorism Center at West Point http://ctc.usma.edu/
2. State Department, Bureau of Counterterrorism and Countering Violent Extremism https://www.state.gov/j/ct/index.htm
3. Congressional Research Service (CRS) Reports,Terrorism http://www.fas.org/sgp/crs/terror/index.html
4. RAND Corporation - National Security and Terrorism http://www.rand.org/topics/terrorism-and-homeland-security.html
5. Director of National Intelligence www.dni.gov
6. The National Counterterrorism Center https://www.dni.gov/index.php/nctc-home

# Course Objectives/Learning Outcomes

**Objectives:**

ISSA 6315 is designed to encourage critical thinking and promote analytical discussions among the students using different sources of material provided in various formats. The study of intelligence related to terrorism, counterterrorism, and US policy is timely, relevant, and integral to students interested in national security and the US Intelligence Community. At the end of this course, students will be able to:

- Assess the impact of classical theorists on current ethical thought.
- Analyze the relationship between ethics and the intelligence cycle.
- Analyze the relationship between law and policy and surveillance and counter terrorism.
- Critique US Government policies to counter the KGB during the Cold War.
- Describe how the Intelligence Community is organized to support policy makers.
- Explain the challenges faced by the US and the inherent trade offs between security and freedom.
- Assess the constitutionality and use of drones to target American citizens overseas.
- Analyze the US application of "enhanced interrogation" techniques.

**Learning Outcomes:** As a result of completing this course, the student will be able to:

- Describe normative ethical systems .
- Analyze the relationship between ethical systems and the intelligence cycle.
- Explain how the US Government and, specifically, the US Intelligence Community is organized to counter terrorist activity.
- Analyze the relationship between the Constitution and surveillance of American citizens.
- Identify ethical improvements and modifications to US Intelligence Community organizations, policies, and processes.
- Apply graduate level research skills .

# Grading Policies

A Note on Grades: ISSA 6315 is a colloquium (meaning a group discussion, from the Latin Colloqui – to talk together—to have a conversation). As such, weekly participation in the discussion threads is expected and forms part of the grade. Final grades are composed as follows:

| Assignment | Percent of Grade | Due |
|---|---|---|
| Discussion Board participation | 25% | Weekly when no essay is assigned. Primary |

| | | |
|---|---|---|
| | | postings are due no later than 11:59 p.m. Central Time on Thursday. Responses are due no later than 11:59 p.m. Central Time on Sunday. |
| Midterm Exam | 35% | Due no later than 11:59 p.m. Central Time on Sunday at the end of lesson 4<br><br>Complete instructions and guidance on bibliographic and citation guidelines should adhere to the [Chicago Manual of Style 17th Edition](#). We are using the footnote and not author-date format for this assignment. |
| Final Exam | 40% | Due no later than 11:59 p.m. Central Time on Thursday of week 8.<br><br>Complete instructions and guidance on bibliographic and citation guidelines should adhere to |

| | | the [Chicago Manual of Style 17th Edition](). We are using the footnote and not author-date format for this assignment. |
|---|---|---|

Students' grades will be based on the successful practices of counterterrorism and intelligence professionals--writings should be based on comprehensive research with appropriate citations, organized in a logical manner, well thought out with arguments incorporating relevant concepts and theories, and sound judgments or conclusions, based on critical thinking.

Due to the nature of this class, there is not a minimum required number of words for original or discussion posts, nor is there a minimum number of discussion posts expected each week. Each post should be sufficient to answer the question or to respond to a peer's response. Posts should be clear and concise with appropriate supporting evidence.

- Students are expected to write an original post that addresses the question.
- Students are expected to use appropriate source materials in support of their examples, evidence and details, such as primary source materials or peer-reviewed article and journals. For more on this, please see the Porter Henderson Library Research Tools webpage, http://www.angelo.edu/services/library/handouts/ ([link])
- Students are expected to participate in discussions with their classmates on a range of topics, enough to ensure that their own biases of their studies have not affected their understanding of the learning objectives for the week.

Essays will be turned in to the professor via the Blackboard Assignment system or email. Late submissions are subject to point reductions. Students will not present their essay to their fellow students.

Angelo State University employs a letter grade system. Grades in this course are determined on a percentage scale:

A = 90 – 100 %
B = 80 – 89 %
C = 70 – 79 %

F = 69 % and below.


**Rubrics**

- Rubrics for your writing assignments will be provided prior to the assignment. Grades will be based on your ability to organize the material, integrate relevant concepts and theories, cite your sources, and relate your ideas in effective prose in discussion threads as well as mid-term and final assignments. You are expected to apply your own observations and experiences as necessary to demonstrate your grasp of the material and lesson objectives and course outcomes.

**Student Essay Papers:** Each student will have two writing assignments.

- The first writing assignment will be an annotated essay, 5-7 pages in length. As stated above, it will be due on the Sunday of Week 4. The details of this assignment are in Lesson 4.

- The second writing assignment, the Final Exam, which is an annotated essay from 8-10 pages in length. As stated above, this will be due on the Thursday of Week 8. The details of this assignment are in Lesson 8.

**Some thoughts on late work:**

- Don't be late.

- In the professional world, late is often too late. In the intelligence profession and in related fields, being late with written assessments - even with the right assessment or with brilliant work - oftentimes means arriving after the LTIOV - latest time information is of value. Late work will not be accepted. However, sometimes lateness is unavoidable. If you know you will be late, let me know ahead of time. In these instances, some accommodation may be possible.

- Primary posts are due by 1159 CST on Fridays, and response postings are due by 1159 CST on Monday, after which time no participation is possible.

# Course Organization:

**Lesson 1:The Nature and Scope of Ethics**

This lesson describes the differences between normative ethical systems and empirical systems, such as physics and biology. Also discussed are the differences between consequentialist systems and deontological systems of ethics.

**Lesson 2: Classical Ethical Theorists**

Lesson two begins by exploring the different aspects of Classical Greek theorists, including Socrates, Plato, and Aristotle, and how and why each differed in terms of ethical thought.

**Lesson 3: Utilitarianism, Kant and Ethical Intelligence**

Lesson three examines the specifics of the differences between Utilitarianism and Kant's deontological theory of ethics, and the relationship of both to intelligence agency operations, such as collecting HUMINT, and covert operations.

**Lesson 4: Exploring Ethics through the Intelligence Cycle**

Lesson four examines the relationship between ethics and the intelligence cycle. One reason your authors give for studying ethics related to intelligence is the fact that intelligence services in many countries have moved beyond the historical role of simply gathering intelligence (collection) to more active roles including "hunting," "fixing," and "enforcing." Your authors correctly note that many of these activities, particularly involving the War against Terror, have generated controversies, especially concerning "rendition, secret detention, mistreatment, and torture of suspected terrorists" (Goldman, 2010, p. 35).

**Lesson 5: Law and Policy: Surveillance and Counterterrorism**

Lesson five examines the inherent contradiction between the need for surveillance of both American citizens and suspected terrorists, and the protections of the Constitution.

**Lesson 6: The CIA's original social contract, the KGB and the Cold War**

Lesson six examines the original need for the creation of an organization which could satisfy the need for information related to international threats emerging during and after the second World War.

**Lesson 7: The Use of Drones in Surveillance and Targeted Killing**

Lesson seven allows the student to analyze and assess U.S. government efforts to address and mitigate the terrorism threat, utilizing drones both for surveillance and targeted killing overseas. Although unquestionably effective at both, questions have arisen surrounding the use of drones to kill American citizens overseas. Has the Constitutional Fifth and Fourteenth requirements of Due Process been satisfied, prior to the citizens being killed?

**Lesson 8: Enhanced Interrogation**

Lesson eight is the culmination of this course and discusses the ethical and Constitutional limitations of enhanced interrogation techniques used by the CIA, the military, and CIA subcontractors from approximately 2003 until 2006-2007.

# Communication

## Office Hours and/or hours of outside-of class contact

By appointment. See the Instructor Information section for contact information.

# University Policies

**Academic Integrity** Angelo State University expects its students to maintain complete honesty and integrity in their academic pursuits. Students are responsible for understanding and complying with the university [Academic Honor Code](#) and the [ASU Student Handbook](#).

**Accommodations for Disability**
ASU is committed to the principle that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs or activities of the university, or be subjected to discrimination by the university, as provided by the Americans with Disabilities Act of 1990 (ADA), the Americans with Disabilities Act Amendments of 2008 (ADAAA), and subsequent legislation.

Student Affairs is the designated campus department charged with the responsibility of reviewing and authorizing requests for reasonable accommodations based on a disability, and it is the student's responsibility to initiate such a request by emailing studentservices@angelo.edu, or by contacting:

Office of Student Affairs
University Center, Suite 112
325-942-2047 Office
325-942-2211 FAX

**Student absence for religious holidays**
A student who intends to observe a religious holy day should make that intention known in writing to the instructor prior to the absence. A student who is absent from classes for the observance of a religious holy day shall be allowed to take an examination or complete an assignment scheduled for that day within a reasonable time after the absence.