

2023-2024 Supplement

National Security Law
Seventh Edition

and

Counterterrorism Law
Fourth Edition

EDITORIAL ADVISORS

Rachel E. Barkow

Vice Dean and Charles Seligson Professor of Law
Faculty Director, Center on the Administration of Criminal Law
New York University School of Law

Erwin Chemerinsky

Dean and Jesse H. Choper Distinguished Professor of Law
University of California, Berkeley School of Law

Richard A. Epstein

Laurence A. Tisch Professor of Law
New York University School of Law
Peter and Kirsten Bedford Senior Fellow
The Hoover Institution
Senior Lecturer in Law
The University of Chicago

Ronald J. Gilson

Charles J. Meyers Professor of Law and Business
Stanford University
Marc and Eva Stern Professor of Law and Business
Columbia Law School

James E. Krier

Earl Warren DeLano Professor of Law
The University of Michigan Law School

Tracey L. Meares

Walton Hale Hamilton Professor of Law
Director, The Justice Collaboratory
Yale Law School

Richard K. Neumann, Jr.

Alexander Bickel Professor of Law
Maurice A. Deane School of Law at Hofstra University

Robert H. Sitkoff

Austin Wakeman Scott Professor of Law
John L. Gray Professor of Law
Harvard Law School

David Alan Sklansky

Stanley Morrison Professor of Law
Faculty Co-Director, Stanford Criminal Justice Center
Stanford Law School

2023–2024 Supplement

National Security Law
Seventh Edition

and

Counterterrorism Law
Fourth Edition

Stephen Dycus
Professor Emeritus
Vermont Law and Graduate School

William C. Banks
College of Law Board of Advisors Distinguished Professor
Syracuse University College of Law

Emily Berman
Royce R. Till Professor of Law
University of Houston Law Center

Peter Raven-Hansen
Glen Earl Weston Research Professor of Law Emeritus
George Washington University

Stephen I. Vladeck
Charles Alan Wright Chair in Federal Courts
University of Texas School of Law



Copyright © 2023 Stephen Dycus, William C. Banks, Emily Berman, Peter Raven-Hansen, and Stephen I. Vladeck.

No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopy, recording, or utilized by any information storage or retrieval system, without written permission from the publisher. For information about permissions or to request permissions online, visit us at www.AspenPublishing.com.

To contact Customer Service, e-mail customer.service@aspenpublishing.com, call 1-800-950-5259, or mail correspondence to:

Aspen Publishing
Attn: Order Department
1 Wall Street
Burlington, MA 01803

Printed in the United States of America.

1 2 3 4 5 6 7 8 9 0

ISBN 979-8-8890-6147-2

About Aspen Publishing

Aspen Publishing is a leading provider of educational content and digital learning solutions to law schools in the U.S. and around the world. Aspen provides best-in-class solutions for legal education through authoritative textbooks, written by renowned authors, and breakthrough products such as Connected eBooks, Connected Quizzing, and PracticePerfect.

The Aspen Casebook Series (famously known among law faculty and students as the “red and black” casebooks) encompasses hundreds of highly regarded textbooks in more than eighty disciplines, from large enrollment courses, such as Torts and Contracts to emerging electives such as Sustainability and the Law of Policing. Study aids such as the *Examples & Explanations* and the *Emanuel Law Outlines* series, both highly popular collections, help law students master complex subject matter.

Major products, programs, and initiatives include:

- **Connected eBooks** are enhanced digital textbooks and study aids that come with a suite of online content and learning tools designed to maximize student success. Designed in collaboration with hundreds of faculty and students, the Connected eBook is a significant leap forward in the legal education learning tools available to students.
- **Connected Quizzing** is an easy-to-use formative assessment tool that tests law students’ understanding and provides timely feedback to improve learning outcomes. Delivered through CasebookConnect.com, the learning platform already used by students to access their Aspen casebooks, Connected Quizzing is simple to implement and integrates seamlessly with law school course curricula.
- **PracticePerfect** is a visually engaging, interactive study aid to explain commonly encountered legal doctrines through easy-to-understand animated videos, illustrative examples, and numerous practice questions. Developed by a team of experts, PracticePerfect is the ideal study companion for today’s law students.
- The **Aspen Learning Library** enables law schools to provide their students with access to the most popular study aids on the market across all of their courses. Available through an annual subscription, the online library consists of study aids in e-book, audio, and video formats with full text search, note-taking, and highlighting capabilities.
- Aspen’s **Digital Bookshelf** is an institutional-level online education bookshelf, consolidating everything students and professors need to ensure success. This program ensures that every student has access to affordable course materials from day one.
- **Leading Edge** is a community centered on thinking differently about legal education and putting those thoughts into actionable strategies. At the core of the program is the Leading Edge Conference, an annual gathering of legal education thought leaders looking to pool ideas and identify promising directions of exploration.

Contents

<i>Preface</i>	xv
<i>Teacher's Guide for National Security Law (7th edition)</i>	xix
<i>Teacher's Guide for Counterterrorism Law (4th edition)</i>	xxvii
<i>Table of Cases</i>	xxxiii
Note on Applying IEEPA to Russia	1
Note on Border Emergency & <i>Biden v. Nebraska</i> (2023)	1
<i>U.S. House of Reps. v. Mnuchin</i> (D.C. Cir. 2020) – Standing	6
Notes on Border Wall Cases	8
Note on Halting Diversion of Funds	9
Note on <i>Torres v. Tex. Dep't of Pub. Safety</i> (2022)	10
Note on <i>Kareem v. Haspel</i> (D.C. Cir. 2021)	10
<i>U.S. House of Reps. v. Mnuchin</i> (D.C. Cir. 2020) – Appropriations	12
<i>Egbert v. Boule</i> (2022)	16
Note on State Secrets Cases	32
Note on <i>Hernandez v. Mesa</i> (2020)	33
Note on <i>Swartz v. Rodriguez</i> (2020)	33
Note on Extraterritorial Constitutional Rights	33
Note on <i>Nestlé USA, Inc. v. Doe</i> (2021)	36
Note on ICC Afghanistan Investigation	37
Case Study on Russian Aggression in Ukraine	38

Contents

Notes on Universal Jurisdiction for War Crimes and the Principle of Distinction	45
Note on Russia and API of the Geneva Convention	48
Note on Ukraine and the ICC	48
Note on War Crimes Accountability in U.S. Courts	49
Note on Withdrawal from Afghanistan	50
Note on Operations in Syria	52
Note on Trump and Iran	53
Note on S.J. Res. 68 (2020)	54
Note on Evacuation of Embassy in Khartoum	54
Note on Trump Administration Targeting Standards	55
Note on Ayman al-Zawahri Drone Strike	56
Note on Mistaken Lethal Targeting of Aid Worker in Afghanistan	57
Note on <i>Kareem v. Haspel</i> (D.C. Cir. 2021)	57
Case Study on Targeting General Soleimani	58
Note on Cyber Attacks Against Ukraine	61
Note on Russia- and China-based Cyber Attacks	61
Note on 2021 NATO Pledge on Cyberattacks	62
Note on Sovereignty and Cyber Attacks	62
Note on Exec. Order No. 14,028 (May 12, 2021)	63
Note on Cyber Command's Offensive Measures	64
Note on Military Cyber Operations	65
Note on Cyber as a Weapon of Mass Destruction	65

Contents

Note on Increased Potential for Nuclear Conflict	66
Note on Transparency of Nuclear Stockpiles	67
Note on 2022 Nuclear Posture Review	67
Note on U.S. Strategic War Plan	68
Note on New START	69
Note on U.S. Withdrawal from Open Skies Treaty	69
Note on the Treaty on the Prohibition of Nuclear Weapons	69
Note on Statement on Nuclear Disarmament	69
Note on Nuclear Retaliation	70
Note on Presidential Control of Nuclear Weapons	71
Note on Threat from Climate Change	73
Note on National Intelligence Priorities Framework	74
Note on National Security Memorandum 2 (2021)	75
Note on FBI Surveillance of Portland Protests in 2020	75
Note on CIA Bulk Collection of Americans' Data	76
Note on Covert Action and Cyber Operations	77
Note on Exceptions to Warrant Clause	78
Note on <i>United States v. Moore-Bush</i> (1st Cir. 2022)	78
Note on Purchase of Location Data	78
Note on the Encryption Debate	79

Contents

Note on Lone Wolf Provision	80
Note on Accuracy Concerns Before the FISA Court	80
Note on the Durham Report	82
Note on Roving Wiretaps	83
Note on <i>FBI v. Fazaga</i> (2022)	84
Note on ODNI Annual Statistical Transparency Report	84
Note on <i>Wikimedia Foundation v. NSA</i> (4th Cir. 2021)	85
Note on Section 702 Reauthorization Debate	85
Note on FBI Queries of Section 702 Data	86
Note on <i>United States v. Hasbajrami</i> (2d Cir. 2019)	88
Note on Exec. Order No. 14,086 (Oct. 7, 2022)	89
Note on Purchase of Location Data	91
Note on Business Records Provision	91
Note on Evolution of Business Records Provision	91
Note on Recent Leak Investigations	93
Bulk Collection of Third-Party Records	94
Third-Party Records: Summary of Basic Principles	104
Note on <i>Alasaad v. Mayorkas</i> (1st Cir. 2021)	105
Note on Circuit Split on Electronic Border Search Policies	106
Note on <i>Elhady v. Kable</i> (4th Cir. 2021)	107

Contents

Note on Effect of Removal from No-Fly List	107
Note on Public Disclosure of TSDB Data	108
Note on President Biden’s Anti-Profiling Order	108
Note on <i>Arab Am. Civil Rights League v. Trump</i> (6th Cir. 2021)	108
Proclamation on Ending Discriminatory Entry Bans	109
Note on <i>Tanzin v. Tanvir</i> (2020)	110
Note on <i>DHS v. Thuraissigiam</i> (2020) and <i>Jones v. Hendrix</i> (2023)	111
Note on <i>Al Hela</i> and the Laws of War	112
Note on <i>Al Hela</i> and Substantial Support	113
Note on <i>Al Hela</i> and the Due Process Debate	114
Note on the Detainee Population at Guantánamo Today	116
Note on <i>Hassoun v. Searls</i> (2d Cir. 2020)	116
Note on Indictment of Pennsylvania Resident Ross Roggio	117
Note on Russian War Crimes in Ukraine	118
Note on Majid Khan Sentencing Testimony	118
Note on Torture of Al-Nashiri Witness	119
Note on <i>CACI v. Al Shimari</i> (2021)	120
Note on U.S. Efforts to Block Foreign Torture Investigations	120
Chapter 34 International Terrorism and Related Crimes	121
Chapter 34.1 Domestic Terrorism and Related Crimes	174

Contents

Note on Al-Nashiri Coerced Statements	263
Note on Guilty Pleas at Guantánamo	264
Note on TOPOFF and COVID-19	265
Note on COVID-19 and First Responders	266
Note on Pandemic Communication and Outreach	266
Planning for Pandemic and Domestic Terrorism Threats	268
Note on January 6 Intelligence Failure	270
Note on the Military’s Role in Vaccine Delivery	271
Note on Ransomware Attacks	272
Note on COVID-19 Pandemic	272
Note on COVID-19 Restrictions	274
42 U.S.C. §265. Suspension of Entries and Imports	283
Note on Federalism in the Time of COVID	283
Note on Supplies to Combat COVID-19	285
Note on <i>Black Lives Matter D.C. v. Trump</i> (D.D.C. 2021)	287
Note on Posse Comitatus Act Amendment	287
Note on George Floyd Protests	288
Note on Potential Invocation of Insurrection Act	289
Use of the Military at the Border, in Elections, in Protecting the U.S. Capitol, and in Pandemics	290

Contents

Notes on Troops in Elections, at the Capitol, and in a Pandemic	296
Note on General Flynn’s Proposed Coup d’Etat	299
Notes on Over-Classification	300
Note on Former Presidents’ Intelligence Briefings	303
Note on <i>Edgar v. Haines</i> (4th Cir. 2021)	304
Note on <i>United States v. Snowden</i> (E.D. Va. 2019)	304
Note on John Bolton’s Pre-Publication Review Dispute	304
Note on Jack Teixeira Leak	306
Classified Documents at Mar-a-Lago	307
Note on Julian Assange Indictment	308
Intelligence Disclosures and Russia’s Invasion of Ukraine	308
Note on FOIA and Predecisional Agency Materials	309
Presidential Records Act and Trump’s Indictment	309
Note on Access to FISA Court Opinions and <i>ACLU v. United States</i> (2021)	316
New Section D on Congress’s Right of Access to Information	319
Note on Pentagon Papers at 50	343
Note on Julian Assange Extradition	343
Note on Investigating Reporters	343
Note on National Intelligence Council Report	345
Note on Victims of Left-Wing, Right-Wing, and Islamist Violence	346

Contents

Note on Withdrawal from Afghanistan	347
Note on Withdrawal from Syria	349
Note on S.J. Res. 68	350
<i>Twitter, Inc. v. Taamneh</i> (2023)	351
<i>Twitter, Inc. v. Taamneh</i> (2023) Notes & Questions	363
The Ku Klux Klan Act	365
Note on Civil Liability for the Capitol Riots	365
Suing Terrorists: Summary of Basic Principles	367

Preface

After another eventful year in the world of National Security and Counterterrorism Law, this *Supplement* permits adopters of *National Security Law* and *Counterterrorism Law* to update their syllabi to reflect recent, important developments in the field. Indeed, it is hard to imagine teaching a class in these areas without including the issues covered in this *Supplement*. In the years since the publication of the casebooks' most recent editions, we have experienced a global pandemic, the first land war in Europe since WWII, an attack on our own Capitol on January 6, 2021, and the federal indictment of a former president under the Espionage Act, just to name a few. The *Supplement* provides cases, primary legislative and executive materials, case studies, and notes and questions about these and other major issues from the past three years.

New to this *Supplement* is an entirely new chapter devoted to domestic terrorism crimes, which explores the many issues that such crimes raise. It covers incitement — including *Brandenburg v. Ohio* — seditious conspiracy, insurrection, treason, and the current debates about whether Congress should add a federal crime of “domestic terrorism” to the criminal code. It concludes with a case study of the January 6, 2021, attack on the U.S. Capitol, which focuses on the spectrum of crimes committed by members of the crowd who took part in the attack, including the seditious conspiracy conviction of members of the Oath Keepers and Proud Boys.

Speaking of efforts to hold wrongdoers accountable for acts of violence, the *Supplement* also includes both a case study and new updates on the latest developments surrounding Russia's war against Ukraine, including materials related to President Biden's use of emergency authorities to impose sanctions, efforts to punish the crime of aggression, and the Justice for Victims of War Crimes Act, which opens U.S. courts to prosecutions of any perpetrator of war crimes present in the United States, irrespective of where or when the crimes took place. And for adopters of *Counterterrorism Law*, we include the 2023 Supreme Court case regarding the scope of liability under the Anti-Terrorism Act, *Twitter v. Taamneh*, including Notes and Questions regarding its implications for future suits.

Twitter v. Taamneh is not the only recent Supreme Court case touching on national security included in the *Supplement*. The October Term 2022 case of *Jones v. Hendrix* has enormous consequences for the law of habeas corpus, and two opinions from the high court regarding state secrets privilege came down last year — one in the context of the

Preface

Foreign Intelligence Surveillance Act and another addressing its relevance to evidence of the CIA's post-9/11 detention and interrogation programs. There is also *Egbert v. Boule*, the most recent Supreme Court decision whittling away at the availability of *Bivens* actions — including a complete bar on such actions in the national security context.

Controversy over access to information has also been a theme this past year. The federal indictment of former President Trump for violations of the Espionage Act and obstruction of justice, the massive leak of classified information by Massachusetts Airman Jack Teixeira, and Congress's power to compel testimony and the production of records from the executive branch are all topics covered by updates in this *Supplement*.

In addition, you will find updated material about the Biden administration's policies on topics including targeted killing in the context of over-the-horizon counterterrorism operations, domestic extremism, U.S. cyber defense requirements, and a new National Cybersecurity Strategy, which broadens the role of the federal government in cybersecurity and challenges the private sector to take more concrete steps for cyber defense and preparedness.

While the Guantánamo Bay detention center rarely makes headlines these days, it continues to provide new legal developments. The *Supplement* includes materials about the latest installment of the D.C. Circuit's jurisprudence regarding the scope of the Executive's detention authority and the status of due process claims at Guantánamo. It also updates the military commission's continuing efforts to grapple with the aftermath of the CIA's coercive interrogation program and the Biden administration's slow but steady progress in reducing the population at Guantánamo.

As in years past, we have tried to keep up with these and many other developments without overly complicating the use of the core casebooks. Achieving this practical goal necessarily requires discriminating selection and presentation. We have carefully edited the new principal cases and supplied a minimum of new Notes and Questions, trusting our enterprising adopters to use (and embellish) them as they feel best fits their teaching goals.

This *Supplement* serves two closely related casebooks: *National Security Law* (7th ed. 2020) and *Counterterrorism Law* (4th ed. 2020). This Preface is followed immediately by two Teacher's Guides, one for each book, which indicate the placement of supplemental materials within each casebook (and are intended to make it easier for adopters to match *Supplement* entries to their syllabi). Each update in the *Supplement* is accompanied by a reference to one or both casebooks,

Preface

indicating where the relevant underlying material appears. For example, the insert concerning COVID-19-related restrictions imposed by the federal government appears with this instruction: **[NSL p. 1178, CTL p. 830. Insert after Note 1.]** “NSL” refers to *National Security Law* (7th ed.), and “CTL” to *Counterterrorism Law* (4th ed.).

As important new developments arise during the coming year, we will continue to document them by posting edited new materials on the websites for the two casebooks — supplements to this *Supplement* — from which they may be downloaded by teachers and shared with students. The website for *National Security Law* (7th ed.) may be found at <https://www.aspenpublishing.com/Dycus-NationalSec7>, and the website for *Counterterrorism Law* (4th ed.) is at <https://www.aspenpublishing.com/Dycus-Counterterrorism4>. For each book, log in with a validated professor account for access to our materials.

Adopters are forewarned, however, that when events move as quickly as they do in our field, the first responsibility for keeping up rests with them. Thus, adopters who wish to discuss new developments in the federal prosecution of former President Trump, or the latest twists and turns in the debate over renewing Section 702 of the FISA Amendments Act should consider the materials in the casebooks and this *Supplement* as a platform for discussion, on which they should build with contemporaneous materials that they themselves locate and curate from the media and from the wonderful national security blogs available to them. (And, when they do, share them with us!)

As always, we are extremely grateful to our adopters, fellow members of the National Security Law Section of the Association of American Law Schools, fellow members of the Editorial Board of the *Journal of National Security Law & Policy*, fellow casebook authors (our collaborators in building the field), members of the ABA Standing Committee on Law and National Security, and our many friends in the national security community. We also thank our research assistants. Finally, we wish to express our gratitude to John Devins and Carol McGeehan, our long-time editors and friends, for their longstanding encouragement and support.

Stephen Dycus
William C. Banks
Emily Berman
Peter Raven-Hansen
Stephen I. Vladeck

June 30, 2023

* * *

Teacher's Guide for National Security Law (7th edition)

Casebook Page Supplement Page

Chapter 3. The President's National Security Powers

Page 73	Note on Applying IEEPA to Russia	1
Page 75	Notes on Border Emergency & <i>Biden v. Nebraska</i> (2023)	1

Chapter 4. Congress's National Security Powers

Page 107	<i>U.S. House of Reps. v. Mnuchin</i> (D.C. Cir. 2020)	6
Page 121	Note on Border Wall Cases	8
Page 122	Note on Halting Diversion of Funds	9
Page 126	Note on <i>Torres v. Texas Dep't of Pub. Safety</i> (2022)	10

Chapter 5. The Courts' National Security Powers

Page 138	Note on <i>Kareem v. Haspel</i> (D.C. Cir. 2021)	10
Page 140	<i>U.S. House of Reps. v. Mnuchin</i> (D.C. Cir. 2020)	12
Page 151	<i>Egbert v. Boule</i> (2022)	16
Page 163	Note on State Secrets Cases	32

Chapter 7. The Extraterritorial Reach of U.S. Law

Page 227	Note on <i>Hernandez v. Mesa</i> (2020)	33
Page 228	Note on <i>Swartz v. Rodriguez</i> (2020)	33
Page 228	Note on Extraterritorial Constitutional Rights	33
Page 237	Note on <i>Nestlé USA, Inc. v. Doe</i> (2021)	36

Chapter 8. The Right to Wage War (jus ad bellum)

Page 262	Note on ICC Afghanistan Investigation	37
Page 262	Case Study on Russian Aggression in Ukraine	38

Chapter 9. International Humanitarian Law (jus in bello)

Page 285	Notes on Universal Jurisdiction for War Crimes and the Principle of Distinction	45
Page 286	Note on Russia and API of the Geneva Convention	48
Page 286	Note on Ukraine and the ICC	48
Page 295	War Crimes Accountability in U.S. Courts	49

Chapter 11. Collective Use of Force

Page 343	Note on Withdrawal from Afghanistan	50
----------	-------------------------------------	----

Chapter 12. Unilateral Use of Force

Page 364	Note on Operations in Syria	52
Page 368	Note on Trump and Iran	53
Page 369	Note on S.J. Res. 68 (2020)	54
Page 370	Note on Evacuation of Embassy in Khartoum	54

Chapter 13. Targeting Terrorists

Page 397	Note on Trump Administration Targeting Standards	55
Page 398	Note on Ayman al-Zawahri Drone Strike	56
Page 399	Note on Mistaken Lethal Targeting of Aid Worker	57
Page 409	Note on <i>Kareem v. Haspel</i> (D.C. Cir. 2021)	57
Page 411	Case Study: Targeting General Soleimani	58

Chapter 14. Cyber Operations

Page 415	Note on Cyber Attacks against Ukraine	61
Page 416	Note on Russia- and China-based Cyber Attacks	61
Page 419	Note on 2021 NATO Pledge	62
Page 423	Note on Sovereignty and Cyber Attacks	62
Page 428	Note on Exec. Order 14,028 (May 12, 2021)	63
Page 429	Note on Cyber Command's Offensive Measures	64
Page 431	Note on Military Cyber Operations	65
Page 432	Note on Cyber as a Weapon of Mass Destruction	65

Chapter 15. Nuclear War

Page 440	Note on Increased Potential for Nuclear Conflict	66
Page 440	Note on Transparency of Nuclear Stockpiles	67
Page 442	Note on 2022 Nuclear Posture Review	67
Page 442	Note on U.S. Strategic War Plan	68
Page 444	Note on New START	69
Page 445	Note on U.S. Withdrawal from Open Skies Treaty	69
Page 455	Note on Treaty on Prohibition of Nuclear Weapons	69
Page 457	Note on Statement on Nuclear Disarmament	69
Page 458	Note on Nuclear Retaliation	70
Page 464	Note on Presidential Control of Nuclear Weapons	71

Chapter 16. Humanitarian and Peace Operations

Page 468	Note on Threat from Climate Change	73
----------	------------------------------------	----

Chapter 17. Introducing Intelligence

Page 492	Note on National Intelligence Priorities Framework	74
----------	--	----

Chapter 18. The Intelligence Community: Organization and Authority

Page 513	Note on National Security Memorandum 2 (2021)	75
Page 519	Note on FBI Surveillance of Portland Protests	75
Page 533	Note on CIA Bulk Collection of Americans' Data	76

Chapter 19. Covert Operations

Page 563	Note on Covert Action and Cyber Operations	77
----------	--	----

Chapter 20. The Fourth Amendment and National Security

Page 580	Note on Exceptions to Warrant Clause	78
Page 597	Note on <i>United States v. Moore-Bush</i> (1st Cir. 2022)	78
Page 598	Note on Purchase of Location Data	78
Page 599	Note on Encryption Debate	79

Chapter 21. Congressional Authority for Foreign Intelligence Surveillance

Page 624	Note on Lone Wolf Provision	80
Page 625	Note on Accuracy Concerns Before FISA Court	80
Page 626	Note on the Durham Report	82
Page 627	Note on Roving Wiretaps	83
Page 629	Note on <i>Fazaga v. FBI</i> (2022)	84
Page 639	Note on ODNI Annual Statistical Transparency	84

Chapter 22. Programmatic Electronic Surveillance for Foreign Intelligence

Page 661	Note on <i>Wikimedia Foundation v. NSA</i> (4th Cir. 2021)	85
Page 661	Note on Section 702 Reauthorization Debate	85
Page 675	Note on FBI Queries of Section 702 Data	86
Page 677	Note on <i>United States v. Hasbajrami</i> (2d Cir. 2019)	88
Page 677	Note on Exec. Order No. 14,086 (Oct. 7, 2022)	89

Chapter 23. The Third-Party Doctrine: Origins and Applications

Page 699	Note on Purchasing Location Data	91
----------	----------------------------------	----

Chapter 24. The Collection and Use of Third-Party Records

Page 707	Note on Business Records Provision	91
Page 727	Note on Restored Business Records Provision	91
Page 728	Note on Recent Leak Investigations	93
Page 729	Bulk Collection of Third-Party Records	94
Page 740	Third-Party Records: Summary of Basic Principles	104

Chapter 25. Screening for Security

Page 754	Note on <i>Alasaad v. Mayorkas</i> (1st Cir. 2021)	105
Page 756	Note on Circuit Split on Electronic Border Searches	106
Page 771	Note on <i>Elhady v. Kable</i>	107
Page 774	Note on Effect of Removal from No-Fly List	107
Page 774	Note on Public Disclosure of TSDB Data	108

Chapter 26. Profiling and Travel Bans

Page 794	Note on President Biden’s Anti-Profiling Order	108
Page 818	Note on <i>Arab Am Civil Rights League v. Trump</i> (6th Cir. 2021)	108
Page 818	Proclamation on Ending Discriminatory Travel Bans	109
Page 818	Note on <i>Tanzin v. Tanvir</i> (2020)	110

Chapter 28. Habeas Corpus: The Scope of the Suspension Clause

Page 862	Note on <i>DHS v. Thuraissigiam</i> (2020) and <i>Jones v. Hendrix</i> (2023)	111
----------	---	-----

Chapter 30. Military Detention of Non-U.S. Persons

Page 916	Note on <i>Al-Hela</i> and the Laws of War	112
Page 920	Note on <i>Al-Hela</i> and Substantial Support	113
Page 932	Note on <i>Al-Hela</i> and the Due Process Debate	114
Page 935	Note on the Detainee Population at Guantánamo Today	116

Chapter 31. Preventive Detention

Page 958	Note on <i>Hassoun v. Searls</i> (2d Cir. 2020)	116
----------	---	-----

Chapter 32. Interrogating Terrorist Suspects

Page 988	Note on Indictment of Ross Roggio	117
Page 990	Note on Russia and the War Crimes Act	118

Chapter 33. Case Study of Coercive Interrogation of Detainees in U.S. Custody After 9/11

Page 1014	Note on Majid Kahn Sentencing Testimony	118
Page 1017	Note on Torture of Al-Nashiri Witness	119
Page 1023	Note on <i>CACI v. Al Shimari</i> (2021)	120
Page 1027	Note on U.S. Efforts to Block Foreign Torture Investigations	120

Chapter 34. Criminalizing Terrorism and Its Precursors

Page 1031	Chapter 34 International Terrorism and Related Crimes	121
Page 1031	Chapter 34.1 Domestic Terrorism and Related Crimes	174

Chapter 36. Trial by Military Commission

Page 1156	Note on Torture and the <i>Al-Nashiri</i> Prosecution	263
Page 1157	Note on Guilty Pleas at Guantánamo	264

Chapter 37. Homeland Security

Page 1164	Note on TOPOFF and COVID-19	265
Page 1165	Note on COVID-19 and First Responders	266
Page 1166	Note on Pandemic Communication and Outreach	266
Page 1170	Planning for a Pandemic	268
Page 1170	Note on January 6 Intelligence Failure	270
Page 1171	Note on the Military's Role in Vaccine Delivery	271
Page 1171	Note on Ransomware Attacks	272
Page 1172	Note on COVID-19 Pandemic	272
Page 1178	Note on COVID-19 Restrictions	274
Page 1180	42 U.S.C. §265. Suspension of Entries and Imports	283
Page 1182	Note on Federalism in the Time of COVID	283
Page 1182	Note on Supplies to Combat COVID-19	285

Chapter 38. The Military's Domestic Role

Page 1190	Note on <i>Black Lives Matter DC v. Trump</i> (D.D.C. 2021)	287
Page 1190	Note on Posse Comitatus Act Amendment	287
Page 1194	Note on George Floyd Protests	288
Page 1194	Note on Potential Invocation of Insurrection Act	289
Page 1207	Use of the Military at the Border, in Elections, and in Pandemics	290
Page 1208	Notes on Troops in Elections and at the U.S. Capitol	296
Page 1212	Note on General Flynn's Proposed Coup d'Etat	299

Chapter 39. Safeguarding National Security Information

Page 1224	Notes on Over-Classification	300
Page 1226	Note on Former Presidents' Intelligence Briefings	303
Page 1228	Note on <i>Edgar v. Haines</i> (4th Cir. 2021)	304
Page 1234	Note on <i>United States v. Snowden</i> (E.D. Va. 2019)	304
Page 1234	Note on Bolton Pre-Publication Review Dispute	304
Page 1251	Note on Jack Teixeira Leak	306
Page 1251	Note on Classified Documents at Mar-a-Lago	307
Page 1251	Note on Julian Assange Indictment	308
Page 1253	Note on Intelligence Disclosures and Russia's Invasion of Ukraine	308

Chapter 40. Access to National Security Information

Page 1271	Note on FOIA and Predecisional Agency Materials	309
Page 1273	Presidential Records Act and Trump's Indictment	309
Page 1285	Note on Access to FISA Court Opinions	316
Page 1287	New Section D on Congress's Right to Access Information	319

Chapter 41. Censorship

Page 1302	Note on Pentagon Papers at 50	343
Page 1316	Note on Julian Assange Extradition	343
Page 1323	Note on Going Directly to the Source	343

* * *

Teacher's Guide for Counterterrorism Law (4th edition)

Casebook Page

Supplement Page

Chapter 1. Defining Terrorism and Counterterrorism

Page 5	Note on National Intelligence Council Report	345
Page 7	Note on Victims of Right-wing, Left-wing, and Islamic Extremism	346

Chapter 3. Waging War on Terrorism

Page 93	Note on Withdrawal from Afghanistan	347
Page 97	Note on Withdrawal from Syria	349
Page 100	Note on S.J. 68	350

Chapter 4. International Humanitarian Law (jus in bello)

Page 123	Note on Universal Jurisdiction for War Crimes	45
Page 124	Note on Russia and API of the Geneva Convention	48

Chapter 5. Targeting Terrorists

Page 157	Note on Trump Administration Targeting Standards	55
Page 158	Note on Ayman al-Zawahri Drone Strike	56
Page 159	Note on Mistaken Targeting of Zemari Ahmadi	57
Page 169	Note on <i>Kareem v. Haspel</i> (D.C. Cir. 2021)	57
Page 171	Case Study: Targeting General Soleimani	58

Chapter 6. Introducing Intelligence Operations

Page 178	Note on National Intelligence Priorities Framework	74
----------	--	----

Chapter 7. The Intelligence Community: Organization and Authority

Page 199	Note on National Security Memorandum 2 (2021)	75
Page 205	Note on FBI Surveillance of Portland Protests	75
Page 219	Note on CIA Warrantless Bulk Data Collection	76

Chapter 8. The Fourth Amendment and National Security

Page 232	Note on Exceptions to Warrant Clause	78
Page 249	Note on <i>United States v. Moore-Bush</i> (1st Cir. 2022)	78
Page 250	Note on Purchase of Location Data	78
Page 251	Note on the Encryption Debate	79

Chapter 9. Congressional Authority for Foreign Intelligence Surveillance

Page 276	Note on Lone Wolf Provision	80
Page 277	Note on Accuracy Concerns Before FISA Court	80
Page 279	Note on the Durham Report	82
Page 279	Note on Roving Wiretaps	83
Page 281	Note on <i>FBI v. Fazaga</i> (2022)	84
Page 291	Note on ODNI Annual Statistical Transparency Report	84

Chapter 10. Programmatic Electronic Surveillance for Foreign Intelligence

Page 313	Note on <i>Wikimedia v. NSA</i> (4th Cir. 2021)	85
Page 313	Note on Section 702 Reauthorization Debate	85
Page 327	Note on FBI Queries of Section 702 Data	86
Page 329	Note on <i>United States v. Hasbajrami</i> (2d Cir. 2019)	88
Page 329	Note on Exec. Order No. 14,086 (Oct. 7, 2022)	89

Chapter 11. The Third-Party Doctrine: Origins and Applications

Page 351	Note on Purchasing Location Data	91
----------	----------------------------------	----

Chapter 12. The Collection and Use of Third-Party Records

Page 359	Note on Business Records Provision	91
Page 379	Note on Evolution of Business Records Provision	91
Page 380	Note on Recent Leak Investigations	93
Page 381	Bulk Collection of Third-Party Records	94
Page 392	Third-Party Records: Summary of Basic Principles	104

Chapter 13. Screening for Security

Page 406	Note on <i>Alasaad v. Mayorkas</i> (1st. Cir. 2021)	105
Page 408	Note on Electronic Border Search Policy Circuit Split	106
Page 423	Note on <i>Elhady v. Kable</i> (4th Cir. 2021)	107
Page 426	Note on Effect of Removal from No-Fly List	107
Page 426	Note on Public Disclosure of TSDB Data	108

Chapter 14. Profiling and Travel Bans

Page 446	Note on President Biden’s Anti-Profiling Order	108
Page 470	Note on <i>Arab Am. Civil Rights League v. Trump</i> (6th Cir. 2021)	108
Page 470	Note on Ending Discriminatory Travel Ban	109
Page 470	Note on <i>Tanzin v. Tanvir</i> (2020)	110

Chapter 16. Habeas Corpus: The Scope of the Suspension Clause

Page 514	Note on <i>DHS v. Thuraissigiam</i> (2020) and <i>Jones v. Hendrix</i> (2023)	111
----------	---	-----

Chapter 18. Military Detention of Non-U.S. Persons

Page 568	Note on <i>Al-Hela</i> and the Laws of War	112
Page 572	Note on <i>Al-Hela</i> and Substantial Support	113
Page 584	Note on <i>Al-Hela</i> and the Due Process Debate	114
Page 587	Note on the Detainee Population at Guantánamo Today	116

Chapter 19. Preventive Detention

Page 610	Note on <i>Hassoun v. Searls</i> (2d Cir. 2020)	116
----------	---	-----

Chapter 20. Case Study of Coercive Interrogation of Detainees in U.S. Custody After 9/11

Page 640	Note on Indictment of Ross Roggio	117
Page 642	Note on Russia and the War Crimes Act	118
Page 666	Note on Majid Kahn Sentencing Testimony	118
Page 669	Note on Testimony of Tortured Witness	119
Page 675	Note on <i>CACI v. Al Shimari</i> (2021)	120
Page 679	Note on U.S. Efforts to Block Foreign Torture Investigations	120

Chapter 22. Criminalizing Terrorism and Its Precursors

Page 683	Chapter 22 International Terrorism and Related Crimes	121
Page 683	Chapter 22.1 Domestic Terrorism and Related Crimes	174

Chapter 24. Trial by Military Commission

Page 808	Note on Torture and the <i>Al-Nashiri</i> Prosecution	263
Page 809	Note on Guilty Pleas at Guantánamo	264

Chapter 25. Homeland Security

Page 816	Note on TOPOFF and COVID-19	265
Page 817	Note on COVID-19 and First Responders	266
Page 818	Note on Pandemic Communication and Outreach	266
Page 822	Planning for a Pandemic	268
Page 822	Note on January 6 Intelligence Failure	270
Page 823	Note on the Military's Role in Vaccine Delivery	271
Page 823	Note on Ransomware Attacks	272
Page 824	Note on COVID-19 Pandemic	272
Page 830	Note on COVID-19 Restrictions	274
Page 832	42 U.S.C. §265. Suspension of Entries and Imports	283
Page 834	Note on Federalism in the Time of COVID	283
Page 834	Note on Supplies to Combat COVID-19	285

Chapter 26. The Military's Domestic Role

Page 842	Note on <i>Black Lives Matter DC v. Trump</i> (D.D.C.)	287
Page 846	Note on George Floyd Protests	288
Page 846	Note on Insurrection Act	289
Page 859	Note on the Military's Role in Elections	290
Page 860	Notes on Troops in Elections and at the U.S. Capitol	296
Page 864	Note on General Flynn's Proposed Coup d'Etat	299

Chapter 28. Suing Terrorists and Their Supporters

Page 907	<i>Twitter, Inc. v. Taamneh</i>	351
Page 911	Notes on <i>Twitter, Inc. v. Taamneh</i>	363
Page 931	The Ku Klux Klan Act	365
Page 942	Note on Civil Liability for January 6	365
Page 942	Suing Terrorists: Summary of Basic Principles	367

* * *

Table of Cases

<i>[Redacted]</i> (FISA Ct. 2015)	88
<i>[Redacted]</i> (FISA Ct. 2019)	86
<i>Abbott v. Biden</i> (5th Cir. 2023)	280
<i>Abdi v. Wray</i> (10th Cir. 2019)	107
<i>ACLU v. Clapper</i> (2d Cir. 2015)	95, 96, 98, 99
<i>ACLU v. United States</i> (2021)	317
<i>Agency for Int’l Dev. v. Alliance for Open Soc’y Int’l</i> (2020)	34, 35
<i>Alabama Assoc. of Realtors v. Dep’t of Health & Human Servs.</i> (D.D.C. 2021)	277
<i>Alabama Assoc. of Realtors v. Dep’t of Health & Human Servs.</i> (2021)	277
<i>Alasaad v. Mayorkas</i> (1st Cir. 2021)	105, 106
<i>Al Hela v. Trump</i> (D.C. Cir. 2020)	112, 113, 114
<i>Al Hela v. Biden</i> (D.C. Cir. 2021)	113, 115
<i>Ali v. Trump</i> (D.C. Cir. 2020)	114
<i>Allegations of Genocide Under the Convention on the Prevention & Punishment of the Crime of Genocide</i> (Ukr. v. Rus.) (ICJ 2022)	41
<i>Arab Am. Civil Rights League v. Trump</i> (6th Cir. 2021)	108, 109
<i>Arizona v. Mayorkas</i> (2022)	2, 3, 275
<i>Bas v. Tingy</i> (1800)	218
<i>Berger v. United States</i> (1921)	216
<i>Beydoun v. Sessions</i> (6th Cir. 2017)	107

<i>Biden v. Missouri</i> (2022)	280, 282
<i>Biden v. Nebraska</i> (2023)	4, 5, 278
<i>Biden v. Sierra Club</i> (2021)	8
<i>Black Lives Matter D.C. v. Trump</i> (D.D.C. 2021)	287
<i>Boim v. Holy Land Found. for Relief & Dev.</i> (7th Cir. 2008)	122, 363
<i>Boumediene v. Bush</i> (2008)	114
<i>Brandenburg v. Ohio</i> (1969)	134, 179, 258
<i>Buchanan v. Barr</i> (D.C. Cir. 2023)	30
<i>Buckley v. Valeo</i> (1974)	159
<i>California v. Trump</i> (9th Cir. 2020)	8
<i>CACI Premier Tech., Inc. v. Al Shimari</i> (2021)	120
<i>Camara v. Municipal Court</i> (1967)	78
<i>Carnahan v. Maloney</i> (2023)	342
<i>Carpenter v. United States</i> (2018)	78, 101, 282
<i>Cawthorn v. Circosta</i> (E.D.N.C. 2022)	255
<i>Cawthorn v. Amalfi</i> (4th Cir. 2022)	255
<i>City of Charlottesville v. Pa. Light Foot Militia</i> (Va. Cir. Ct. 2018)	201
<i>Comm. on the Judiciary v. Miers</i> (D.C. Cir. 2008)	336
<i>Comm. on the Judiciary v. McGahn</i> (D.C. Cir. 2021)	336, 340
<i>Comm. on Ways & Means, U.S. House of Representatives</i> (D.C. Cir. 2022)	328
<i>Counterman v. Colorado</i> (2023)	199, 200
<i>Cummings v. Murphy</i> (D.D.C. 2018)	342

<i>Dames & Moore v. Regan</i> (1981)	1
<i>Data Protection Comm’r v. Facebook Ireland Ltd., Maximillian Schrems</i> (CJEU 2020)	89
<i>Dennis v. United States</i> (1951)	133
<i>Dep’t of Homeland Sec. v. Thuraissigiam</i> (2020)	111
<i>Dep’t of Justice v. House Comm. on the Judiciary</i> (2021)	342
<i>Dispute Relating to Allegations of Genocide</i> (Ukr. v. Rus.) (ICJ 2022)	41
<i>Eastland v. U.S. Servicemen’s Fund</i> (1975)	328
<i>Eastman v. Thompson</i> (C.D. Cal. 2022)	260, 340
<i>Eastman v. Thompson</i> (2023)	340
<i>Edgar v. Haines</i> (4th Cir. 2021)	304
<i>Egbert v. Boule</i> (2022)	16, 111
<i>Elhady v. Kable</i> (4th Cir. 2021)	107, 108
<i>Fazaga v. FBI</i> (9th Cir. 2019)	84
<i>FBI v. Fazaga</i> (2022)	32, 84
<i>Fikre v. FBI</i> (9th Cir. 2018)	107
<i>FISC Mem. Op. & Order</i> (FISA Ct. 2022)	87
<i>Gitlow v. New York</i> (1925)	197
<i>Gul v. Biden</i> (D.D.C. 2021)	116
<i>Hammerschmidt v. United States</i> (1924)	245
<i>Hassoun v. Searls</i> (W.D.N.Y. 2020)	116
<i>Hassoun v. Searls</i> (2d Cir. 2020)	117

<i>Health Freedom Def. Fund v. Biden</i> (M.D. Fla. 2022)	277, 282
<i>Hernandez v. Mesa</i> (2020)	16, 33
<i>Holder v. Humanitarian Law Project</i> (2010)	139, 223
<i>Husayn v. Mitchell</i> (9th Cir. 2019)	120
<i>In re Accuracy Concerns Regarding FBI Matters Submitted to the FISC</i> (FISA Ct. 2019)	80
<i>In re Accuracy Concerns Regarding FBI Matters Submitted to the FISC</i> (FISA Ct. 2020)	81
<i>In re Al-Nashiri</i> (D.C. Cir. 2022)	264
<i>In re Application of the Federal Bureau of Investigation</i> (FISA Ct. 2015)	100, 101
<i>In re Comm. on the Judiciary, U.S. House of Representatives</i> (D.D.C. 2020)	341
<i>In re Charge to Grand Jury</i> (N.D. Ill. 1894)	213
<i>In re Davis</i> (C.C.D. Va. 1871)	216
<i>In re Griffin</i> (C.C.D. Va. 1869)	216
<i>In re Opinions & Orders by the FISC Addressing Bulk Collection of Data under the Foreign Intelligence Surveillance Act</i> (FISA Ct. Rev. 2020)	317
<i>In re Opinions and Orders of This Court Containing Novel or Significant Interpretations of Law</i> (FISA Ct. 2020)	317
<i>In re Page</i> (FISA Ct. 2020)	82
<i>Int’l Refugee Assistance Proj. v. Trump</i> (D. Md. 2019)	109
<i>Int’l Refugee Assistance Proj. v. Trump</i> (4th Cir. 2020)	109
<i>Jacobson v. Massachusetts</i> (1905)	279
<i>Johnson v. Eisentrager</i> (1950)	114

<i>Jones v. Hendrix</i> (2023)	111, 112
<i>Judicial Watch, Inc. v. Nat’l Archives & Records Admin.</i> (D.D.C. 2012)	311
<i>Karcher v. Islamic Rep. of Iran</i> (D.D.C. 2019)	58
<i>Kareem v. Haspel</i> (D.C. Cir. 2021)	11, 57
<i>Kiobel v. Royal Dutch Petroleum Co.</i> (2013)	49, 50
<i>Klayman v. Obama</i> (D.C. Cir. 2015)	102
<i>Larrabee v. Del Toro</i> (D.C. Cir. 2022)	300
<i>Legality of the Threat or Use of Nuclear Weapons</i> (I.C.J. 1996)	41
<i>Little v. Barreme</i> (1804)	31
<i>Long v. Pecoske</i> (4th Cir. 2003)	107
<i>Louisiana v. Ctrs. for Disease Control & Prevention</i> (W.D. La. 2022)	275
<i>McGrain v. Daugherty</i> (1927)	337
<i>Maloney v. Murphy</i> (D.C. Cir. 2020)	342
<i>Meadows v. Pelosi</i> (D.D.C. 2022)	336
<i>Midwest Inst. of Health, PLLC v. Whitmer</i> (Mich. 2020)	278
<i>Nestlé USA, Inc. v. Doe</i> (2021)	36, 120, 168
<i>New Mexico ex rel. White v. Griffin</i> (N.M. Dist. Ct. 2022)	215, 255, 256
<i>New York Times v. Sullivan</i> (1964)	210
<i>Nixon v. Gen’l Servs. Admin.</i> (1977)	333
<i>Packwood v. Sen. Select Comm. on Ethics</i> (1994)	337
<i>Paracha v. Trump</i> (D.D.C. 2020)	113

<i>People’s Mojahedin Org. of Iran v. Dep’t of State</i> (D.C. Cir. 2003)	135
<i>Pettibone v. Russell</i> (9th Cir. 2023)	30
<i>The Prize Cases</i> (1863)	212
<i>Qassim v. Trump</i> (D.C. Cir. 2019)	1114
<i>Raines v. Byrd</i> (1997)	342
<i>Roman Catholic Diocese of Brooklyn v. Cuomo</i> (2020)	278
<i>Russell v. Dep’t of the Air Force</i> (D.C. Cir. 1982)	330
<i>S. Bay Pentecostal Church v. Newsom</i> (2020)	279
<i>Scales v. United States</i> (1961)	157
<i>Schenck v. United States</i> (1951)	133
<i>See v. City of Seattle</i> (1967)	78
<i>Seminole Tribe v. Florida</i> (1995)	10
<i>Smith v. Maryland</i> (1979)	101
<i>Snepp v. United States</i> (1980)	304
<i>Sosa v. Alvarez-Machain</i> (2004)	36
<i>Swartz v. Rodriguez</i> (2020)	33
<i>Tanzin v. Tanvir</i> (2020)	110
<i>Tel-Oren v. Libyan Arab Republic</i> (D.C. Cir. (1984)	171
<i>Thompson v. Trump</i> (D.C. Cir. 2021)	234
<i>Thompson v. Trump</i> (D.D.C. 2022)	227, 228, 247, 258, 366
<i>Torres v. Texas Dep’t of Pub. Safety</i> (2022)	10
<i>Trump v. Comm. on Oversight & Reform</i> (D.D.C. 2022)	328

<i>Trump v. Hawaii</i> (2018)	279
<i>Trump v. Mazars USA, LLP</i> (2020)	320, 328, 329, 330
<i>Trump v. Mazars USA, LLP</i> (D.C. Cir. 2022)	327
<i>Trump v. Sierra Club</i> (9th Cir. 2020)	8
<i>Trump v. Thompson</i> (D.D.C. 2021)	316, 332
<i>Trump v. Thompson</i> (D.C. Cir. 2021)	331, 332, 333
<i>Trump v. Thompson</i> (2022)	333
<i>U.S. Fish & Wildlife Serv. v. Sierra Club</i> (2021)	309
<i>U.S. House of Reps. v. Mnuchin</i> (D.C. Cir. 2020)	6, 12
<i>United States v. Al Nashiri</i> (Mil. Comm’n 2021)	263
<i>United States v. Arnaout</i> (7th Cir. 2005)	126
<i>United States v. Afshari</i> (9th Cir. 2006)	135
<i>United States v. Bin Laden</i> (S.D.N.Y. 2000)	160
<i>United States v. Bingert</i> (D.D.C. 2022)	238
<i>United States v. Bolton</i> (D.D.C. 2020)	305
<i>United States v. Brehm</i> (4th Cir. 2012)	172
<i>United States v. Cano</i> (9th Cir. 2019)	106
<i>United States v. Chon</i> (9th Cir. 2019)	287
<i>United States v. Davis</i> (9th Cir. 1990)	172
<i>United States v. Garey</i> (11th Cir. 2008)	127
<i>United States v. Greathouse</i> (C.C. N.D. Cal. 1863)	214
<i>United States v. Griffin</i> (D.D.C. 2021)	237

<i>United States v. Guest</i> (1966)	198
<i>United States v. Fischer</i> (D. Neb. 1922)	218
<i>United States v. Fischer</i> (D.C. Cir. 2023)	242, 243, 244, 245
<i>United States v. Hasbajrami</i> (2d Cir. 2019)	88
<i>United States v. Lindh</i> (E.D. Va. 2002)	158
<i>United States v. McHugh</i> (D.D.C. 2022)	241, 242
<i>United States v. McWilliams</i> (D.D.C. 1944)	218
<i>United States v. Mendoza-Cecelia</i> (11th Cir. 1992)	287
<i>United States v. Miller</i> (D.D.C. 2022)	242
<i>United States v. Miselis</i> (4th Cir. 2020)	183, 246
<i>United States v. Moalin</i> (9th Cir. 2020)	98, 99, 101
<i>United States v. Moore-Bush</i> (1st Cir. 2022)	78
<i>United States v. Muhtorov</i> (D. Colo. 2015)	88
<i>United States v. Munchel</i> (D.C. Cir. 2021)	237
<i>United States v. Navarro</i> (D.D.C. 2023)	330, 339
<i>United States v. Nersesian</i> (2d Cir. 1987)	246
<i>United States v. Nixon</i> (1974)	330
<i>United States v. Nordean</i> (D.D.C. 2021)	237, 241, 242
<i>United States v. Powell</i> (C.C. D.N.C. 1871)	215
<i>United States v. Rahman</i> (2d Cir. 1999)	128, 202, 219
<i>United States v. Reffitt</i> (D.D.C. 2022)	243
<i>United States v. Rhodes</i> (D.D.C. 2023)	248, 262

<i>United States v. Sandlin</i> (D.D.C. 2021)	242, 243
<i>United States v. Sattar</i> (S.D.N.Y. 2003) (<i>Sattar I</i>)	158
<i>United States v. Sattar</i> (S.D.N.Y. 2004) (<i>Sattar II</i>)	158
<i>United States v. Schwartz</i> (D.D.C. 2023)	239
<i>United States v. Snowden</i> (E.D. Va. 2019)	304
<i>United States v. Stone</i> (E.D. Mi. 2012)	203
<i>United States v. Trump</i> (S.D. Fla. 2023)	307, 312
<i>United States v. U.S. House of Reps.</i> (D.D.C. 1983)	339
<i>United States v. Zubaydah</i> (2021)	32, 121
<i>Watkins v. United States</i> (1957)	328
<i>Wikimedia v. NSA</i> (2021)	85
<i>Wisconsin Legislature v. Palm</i> (Wis. 2020)	278
<i>Zaidan v. Trump</i> (D.D.C. 2020)	10