

HIST 260: Human Rights and National Security: Seeking Balance in the United States  
Amherst College  
Spring 2019

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Mon/Wed 11-12  
& Fri 11-12 or 12-1  
Office Hours Mon 1:30-3 & by Appt

This course will ask if ensuring collective security and preserving individual rights are inherently contradictory or if they may, in fact, be mutually reinforcing. Focusing on rights within the United States, the class will explore how Americans have sought to balance these competing concerns in the past, and the implications of this history for contemporary debates. The course will challenge students to answer the following questions:

- How have Americans weighed national security concerns against protecting rights in the past, and what were the costs and benefits in specific cases?
- How have debates over national security and rights reflected broader partisan divides and served diverse political objectives?
- What, if any, are appropriate limits on governmental power during times of emergency? What powers should presidents have to curtail certain freedoms?
- How do debates about the relationship between rights and security reflect competing visions of national identity and purpose?
- Do modern challenges from foreign and domestic terrorism require a reassessment of the structures and practices of an open society?
- How and why have the costs of security measures disproportionately burdened people based on race, religion, etc.?

These questions, collectively, address the central purpose and dilemma of democratic governance: to advance the collective good while ensuring basic freedoms for all individuals.

The course will initially survey these issues through a historical lens, demonstrating how questions of security and rights have been present since the nation's founding. It will draw on key moments in U.S. history to explore issues of "foreign nationals," subversion, dissent and presidential power in times of war, and border security and immigration. Familiarity with historic precedents will ensure that students are prepared to grapple with a closer examination of contemporary studies of refugees and Immigration; cybersecurity and surveillance; domestic terrorism and hate crimes; and counter-terrorist detention and Interrogation.

#### ASSIGNED BOOKS

Used and new copies of these books are available at the Amherst Books. I have also placed a copy of each book on reserve in the library.

David Cole, *Enemy Aliens: Double Standards and Constitutional Freedoms*

Terri Diane Halperin, *The Alien and Sedition Acts of 1798*

May Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America*

Rachel St. John, *Line in the Sand*

Geoffrey R. Stone, *War and Liberty, An American Dilemma: 1790 to the Present*

Additional Readings are available electronically on the course Moodle website.

## COURSE STRUCTURE AND PARTICIPATION

**Attendance and participation** is a required component of this course and comprises 15% of your final grade. The course will generally have two interactive lectures per week. Relevant readings for each lecture have been noted on the class schedule. Fridays will generally be an in-depth discussion, focusing on drawing connections between weekly assigned readings and lecture material. To receive full credit, you must come to class **and** participate thoughtfully and respectfully in class discussions. Discussions are not meant to look for “right” answers, and I encourage you to think broadly and creatively about the topics at hand.

You are expected to show up for all classes **on time** having completed the course readings and all assigned activities. You need to bring the book(s) and documents assigned for that class with you. As our class meets for only 50 minutes, it is imperative we start on time. Late arrivals are a distraction to your classmates and me, and habitual late arrivals will be treated as absences. Moreover, I have confidence that given the short duration of our meeting times, you will not need to leave class in the middle of lecture or discussion except in extreme circumstances.

**We will occasionally have in-class writing exercises directly related to that day’s assigned readings that count toward your participation grade.** These writing prompts will take place at the beginning of class and cannot be made up. These will be graded as credit/no credit and students may miss one without penalty.

Some weeks, you will need to prepare for formal debates or organized activities, and **you may be asked to submit your notes or prep materials; these materials will count toward your participation grade that week.**

**All students will be given three excused absences; each subsequent absence will result in a 5% reduction in the final participation grade.** If you have a school commitment, religious observance, or **real emergency** that requires you to miss more than one class, please contact me. Otherwise, you are responsible for managing your attendance and planning ahead for computer glitches, family weddings, minor illnesses, etc.

**Technology:** Personal experience and numerous studies have shown that laptops and other screens are detrimental to intensive discussion, retention of information, and student concentration in class. As such, **laptops, tablets, and cell phones may not be used in class unless you have a documented accommodation.** Please plan accordingly when purchasing books, taking notes, and preparing for class.

The most important advice I can give you for success in this course is to **keep up with the readings and assignments consistently from the first week to the last and attend class regularly.** The course and grading criteria have been designed to reward those who do so. If at any point you are experiencing serious difficulties keeping up with the workload, or struggling with any aspect of the class, see me during office hours to discuss study strategies and any particular areas of difficulty for you.

**\*Special needs and Concerns:** Please come see me early with any concerns or special needs that you might have. If you have a documented disability that requires accommodations, you will need to register with Accessibility Services for coordination of your academic accommodations. You can reach them via email at [accessibility@amherst.edu](mailto:accessibility@amherst.edu). Once you have your accommodations in place, I will be glad to meet with you privately to discuss the best implementation of your accommodations.

## ASSIGNMENTS

√ All assignments should be submitted via Moodle unless otherwise indicated

### Op-Ed Essay Assignment—Due Feb 22 at 11 am

Write an op-ed to your local paper about either the Alien and Sedition Acts or Lincoln’s suspension of the writ of *habeus corpus* from the perspective of a contemporary American citizen (e.g. someone who was alive in 1798 or 1862). In a 2-page “letter to the editor,” you should take a firm position either for or against these actions and be clear about the year in which you are writing. The goal is for you to engage a key issue of early debates over the tradeoffs between individual freedom and collective security in the United States and explore the underlying ideological assumptions and debates that inform it. Your response should not only make an argument supporting your position, but also anticipate and counter opposing arguments. You are encouraged to cite material from books and lectures in your response, but are not required to do so. You may quote treat authors as contemporary experts or personal friends (ex// As my good friend David Cole has argued, “Freedom of expression...” Have fun with it but don’t let creativity get in the way of a good argument!

### Podcast Assignment

A large portion of your work for this class will be creating a podcast that explores a specific issue in the context of this class. This is a team-based project that requires you to work with three other students to research and create an eight to ten-minute podcast. There are a number of steps and assignments for this project listed below; detailed instructions are available on Moodle and will be distributed in class.

- Feb 13 Team Charter
- Mar 4 Group Bibliography and Work Plan
- Mar 8 Team Evaluation Due
- Mar 22 Individual Book/Article Worksheet Due
- Apr 8 Podcast Draft Due
- Apr 12 Team Evaluation Due
- Apr 26 Final Podcast and Supporting Materials Due
- May 10 Individual Reflection Paper and Team Evaluation Due

## GRADES

|                                  |     |
|----------------------------------|-----|
| Opinion Essay                    | 15% |
| Participation—Daily Discussions  | 15% |
| Podcast Assignment               | 70% |
| -Charter, Evaluations, Work plan | 5%  |
| -Bibliography                    | 10% |
| -Book/Article Worksheet          | 10% |
| -Draft Podcast                   | 10% |
| -Final Podcast and Materials     | 25% |
| -Individual Reflection Paper     | 10% |

## LECTURE AND READING SCHEDULE

Assigned readings should be completed by the class for which they are assigned.

- Titles listed next to this arrow symbol are readings available on the course Moodle website.

### PART I: HISTORICAL ORIGINS

#### WEEK 1: Introduction

- 1/28 Human Rights & Security – Complimentary or Contradictory?  
➤ Teson, Liberal Security  
➤ Luban, Eight Fallacies About Liberty and Security
- 1/30 Origins of Human Rights  
➤ Hunt, *Inventing Human Rights*, 15-26, 113-126
- 2/1 Discussion

#### WEEK 2: Human Rights and the U.S. Constitution

- 2/4 Individual and the State: Constitutional Guarantees  
Stone, Preface  
➤ Levy, *Origins of the Bill of Rights*, Ch. 1  
➤ Madison on the Bill of Rights, 1789
- 2/6 Power of the President in Times of War  
Halperin, *Alien and Sedition Acts of 1798*, Prologue –Ch. 2
- 2/8 Discussion  
➤ Wolf, *Team Writing, Team Charter*

#### WEEK 3: Presidential Power and Constitutional Protections

- 2/11 The Alien and Sedition Acts  
Halperin, *Alien and Sedition Acts of 1798*, Ch 3-Epilogue  
➤ The Alien and Sedition Acts, 1798
- 2/13 The Civil War and *habeas corpus*  
Stone, *War and Liberty*, Ch. 2  
➤ Faith, “Public Necessity or Military Convenience: Re-Evaluating Lincoln’s Suspensions of the Writ of Habeas Corpus During the Civil War”  
➤ Lincoln Executive Order April 27, 1861  
➤ Lincoln Response to Erastus Corning and Others, June 12, 1863  
√ **Team Charter Due at 11 am**
- 2/15 Discussion

#### WEEK 4: Foreign Nationals and an Expanding Nation

- 2/18 Indian Removal  
St. John, *Line in the Sand*, Intro & Ch. 1  
➤ DePlato, *The Cavalier Presidency*, p. 84-93  
➤ Perdue & Green, *The Cherokee Removal*, Ch. 3 & 5

- 2/20 Establishing Borders  
St. John, *Line in the Sand*, Intro, Ch. 2 & 4

- 2/22 Discussion-What Makes a Good Podcast?  
This week, we will be joined by Susan Daniels to discuss how to create a compelling audio presentation of your research. Before coming to class, please listen to episode “Border Crossings: A History of U.S.-Mexico Relations,” of the Backstory podcast, linked on the course Moodle website. Think about what makes the podcast “work.” How is it structured? How do the hosts make information engaging? What kinds of evidence do they use?  
√ **Individual Op-Ed Due at 11 am**

#### WEEK 5: Dissent in the Time of War

- 2/25 World War I and the Espionage Act  
Stone, *War and Liberty*, Ch. 3

- 2/27 Red Scare and the Black Scare  
Cole, Ch. 8-9  
➤ Documents on Wartime Dissent in Wisconsin

- 3/1 Discussion- Group Podcast Research Workshop  
!!Please meet in the Barker Room of Frost Library!!  
We will meet in the library at your regular class time to work with the library staff on your podcast research project this week.

#### WEEK 6: Border Security and Immigration in the 20<sup>th</sup> Century

- 3/4 Policing the Border  
St. John, *Line in the Sand*, Ch. 5 & 7  
√ **Group Bibliography and Work Plan Due at 11 am**

- 3/6 Inventing Immigration  
Ngai, *Impossible Subjects*, Intro, Ch. 1

- 3/8 Discussion  
√ **Team Evaluation Form Due via Moodle at 4 pm**

#### WEEK 7: SPRING BREAK—No Class

## WEEK 8: Race and Security

- 3/18 Race and New Rights Claims  
Ngai, *Impossible Subjects*, Ch. 2
- 3/20 WWII and Japanese Internment  
Ngai, *Impossible Subjects*, Ch. 5 (Including Part III Intro)  
Stone, *War and Liberty*, Ch. 4
- Executive Order 9066, 1942
  - NYT Article on Korematsu Ruling

**!! 3/21 Required Lecture by Steve Vladeck '01, 5 pm Fayerweather Hall.** If you have a school activity that prevents you from attending, please let me know at least a week in advance!!

- 3/22 **Class Discussion with Steve Vladeck in Fayerweather 115 at 11 am for ALL sections.**  
*We will meet in Fayerweather 115 as a class rather than in individual discussion sections this week. Please let me know by the second week of class if you are in the noon discussion section and have a class conflict with coming at 11 am this Friday.*
- *Korematsu v. United States*, 1944
- √ **Individual Book/Article Worksheet Due at 11 am**

## WEEK 9: Cold War Red Scare

- 3/25 New Power, New Fears  
Stone, *War and Liberty*, Ch. 5  
Ngai, *Impossible Subjects*, Ch. 6
- Carol Anderson, "A 'Hollow Mockery': African Americans, White Supremacy, and the Development of Human Rights in the United States," in *Bringing Human Rights Home*
- 3/27 National Security and the Politics of Conformity  
Cole, *Enemy Aliens*, Ch. 10 & 11
- Shibusawa, "The Lavender Scare and Empire: Rethinking Cold War Antigay Politics"
- 3/28 Lecture by Rabbi Saul Berman, Religious Solidarity at Selma, Stirn Auditorium 7 pm
- 3/29 Discussion

## PART II: CONTEMPORARY DEBATES IN CONTEXT

### WEEK 10: The "War on Terror"

- 4/1 September 11 and the PATRIOT Act  
Stone, *War and Liberty*, Ch. 7  
Cole, *Enemy Aliens*, Ch. 1 & 12
- President Bush Discusses War on Terror at FBI Academy, July 11, 2005

- 4/3 Detention & Interrogation  
Cole, *Enemy Aliens*, Ch. 2
- Yoo/Bybee Memorandum, Aug 2, 2002
  - “Government Memo Says Torture ‘May Be Justified,’” *Washington Post*
  - Hajjar “Torture and the Future”
  - Excerpts from *Hamadi v. Rumsfeld*, 2004

4/5 Discussion

#### WEEK 11: The “War on Terror” – Surveillance and Privacy

4/8 Podcast Work Day  
√ **Podcast Draft Due at 4 pm**

- 4/10 Border Security and Immigration  
**Class visit by Rachel St. John**  
Cole, *Enemy Aliens*, Ch. 4  
St. John, *Line in the Sand*, Conclusion
- “Travel Ban Case is Shadowed by One of Supreme Court’s Darkest Moments” *NYT*

**!! 4/10 Required Lecture by Rachel St. John, 5 pm Fayerweather Hall.** If you have a school activity that prevents you from attending, please let me know at least a week in advance!!

- 4/12 Discussion—Podcast Peer Review  
Each group should listen to their assigned podcasts and read the draft scripts before coming to discussion section, and complete the peer review worksheet available on Moodle before coming to class. Worksheets will be turned in at the end of class.  
√ **Team Evaluation Form Due via Moodle at 4 pm**

#### WEEK 12: Securing the Borders

- 4/15 Cybersecurity and Surveillance  
Cole, Ch. 5
- Fidler, *The Snowden Reader*, Intro, Ch. 1-3
  - Bamford, “Every Move You Make,” *Foreign Policy*
- 4/17 Privacy and Digital Security  
Class Discussion with David Hamilton, Chief Technology Officer at Amherst College
- “Your Apps Know Where You Were Last Night” *NYT*
- 4/19 Discussion

WEEK 13: Domestic Terrorism and Hate Crimes

- 4/22 Right-Wing Terrorism at Home
- Anti-Defamation League, *A Dark and Constant Rage: 25 Years of Right-Wing Terrorism in the United States*
  - Reitman, "U.S. Law Enforcement Failed to See the Threat of White Nationalism," *New York Times Magazine*
- 4/24 Hate Speech, Free Speech, and the First Amendment
- Cole, "Why We Must Still Defend Free Speech," *The New York Review of Books*
  - Waldron, *The Harm in Hate Speech*
  - "The New Radicalism of the Internet," NYT
- 4/26 Discussion
- ✓ **Final Podcast Due at 4 pm**

WEEK 14: Rethinking Security and Freedom

- 4/28 Podcast Presentations
- 5/1 Podcast Presentations
- 5/3 Security and Freedom
- Stone, *War and Liberty*, Conclusion
- Cole, *Enemy Aliens*, Ch. 14, Conclusion
- 5/10 ✓ **Individual Reflection Paper and Team Evaluation Due at 4 pm**