POLS 346 – LAW AND THE POLITICAL SYSTEM

SYLLABUS: SPRING 2015, Section 01
CLASS MEETS: 12: 30 – 1: 45 T/TH, SSW 2501
INSTRUCTOR: Dr. Kimberley Fletcher
EMAIL: kfletcher@mail.sdsu.edu

COURSE DESCRIPTION:
This course is designed to demonstrate the law as a political process with an emphasis on courts, legal ideologies, violence, and mobilization of rights claims in social and political conflict. This class will examine the relationships between law, courts, and politics in the United States, with a focus on the role of judges, lawyers and citizens, and the operation of trial courts in civil and criminal cases. The course is designed to present a broad overview of the structure and processes of court systems in the United States. Since the course examines the legal system, the focus will not only be on judges and courtrooms, but also in placing courts in their political and operational context. In addition to the legal system, we will be discussing lawyers, police, litigants, and politicians. Besides what occurs within courtrooms, we will emphasize the equally important events that occur in lawyers’ offices, and in the hallways of the courthouse, City Hall and the local police station.

Courses dealing with the law and the legal system have an important place within the general liberal arts and political science curricula. The knowledge of how the law and courts operate is essential to understanding how the American political system functions. This course will therefore focus on the law in operation and not the law on the books. Consequently, this course will provide a broad overview of the public law subfield. More specifically, we will focus on gaining a general understanding of how political scientists study the judicial system, focusing on the Supreme Court, the interaction between the judicial and the other branches of government, the appointment process, the decision-making processes of judges, and external influences on the Court. In this sense, we will not be studying law as practitioners, but rather as observers, who are concerned with understanding the place of law and the judiciary within the American political system.

STUDENT LEARNING OBJECTIVES:
This class is intended to help students think critically about concepts like democracy, freedom, liberty, law, justice and representative government. Students will define, explain, and illustrate by utilizing contemporary examples various theories of public law. Students will be able to address the origins, evolution, justifications, institutions, processes, and the effects of law on the political system and vice versa. By semester’s end you will be able to observe courts in action and compare and contrast different kinds of judicial proceedings using tools and concepts drawn from assigned readings. You will also be able to articulate society’s role on the legal system and the impact it has on the evolution of law over time.
Students will also hone skills in critical thinking, close reading of texts, verbal and written communications, organize and integrate ideas, and problem-solve. Students will demonstrate the ability to write formal argumentative essays that communicate descriptive analysis, frame and support a concise argument, make logical assumptions, derive sound conclusions, and display college-level use of language, grammar, and rhetorical structure.

**COURSE REQUIREMENTS:**

**Participation (10%):** Along with regular attendance, participation will be assessed on your ability to interact and participate in in-class discussions and activities. I am not looking for quantity, but quality. This portion of the grade will be partially based on the number of times you speak, but focus will be on the reasoned opinions, responses, and arguments you make during class. I reserve the right to call upon students at random to help facilitate a healthy discussion. Your baseline grade for participation is a C.

**Quizzes (10%):** There will be six (6) random quizzes given during the semester. Each quiz will be based on the readings and in-class discussion given for that week. Each quiz will be worth a possible 10 points and a combined total of 50 points. There will be no make-ups, but you will be able to drop the lowest grade, or if you miss a quiz that one will be automatically dropped. So only five (5) quizzes will go towards the 15%. I do reserve the right to give more quizzes if I find that students are not reading.

**Debates (20%):** You are required to participate in two debates. Handouts will be given prior to the debate to explain the format of each debate and how you are expected to participate. Each debate’s participation will be worth 5% (5% for the Mock Senate Confirmation Hearing and 5% for the Death Penalty debate) and the response paper will be worth 10%, for a total of 20%.

The first debate will be a Mock Senate Confirmation Hearing, and the second debate will be the Death Penalty Debate. You are only required to hand in one (1) response paper: either the Senate Confirmation or the Death Penalty. The Senate Confirmation Hearing will require you to hand in a four (4) page response following the hearing (requirements will be in a handout)—**Thurs., Oct. 8.** And, the second, the Death Penalty Debate, will require you to hand in, following the debate, a four (4) page response (requirements will be in a handout)—**Tues., Oct. 27.** You must chose one of these response papers and they must be handed in on the due date. Again, the format of the short response papers and the debate formats will be discussed prior to the debates themselves.

**Two Papers – Paper 1 and Paper 2 (60%):** You are required to submit two full-length papers during the course of the class. The first paper will be due in class **Thurs., Sept., 24,** at the start of class and is worth 20% of your grade. The second paper will be due **Dec., 15,** and is worth 35% of your grade. These papers will **NOT** be accepted via email. It is your responsibility to print them with a cover page, staple them, and hand them in on the
designated day and time. Your second paper will require a short presentation (details TBA) at the end of the semester and will be worth 5%.

**Grading:** Any assignment turned in late must have an excuse from the Dean of Academic Affairs. Otherwise, grades will be graded down by 1/3 a letter grade for each day it is late. For example, if a paper is turned in and is an A paper, but was 3 days late, the paper will be given a B. Any paper handed in without a front page and stapled will be handed back and you will be required to fix such issues and hand it back in that day to avoid late penalties.

Below is a summary of how assignments are graded:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Description</th>
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<tbody>
<tr>
<td>A</td>
<td>Outstanding in every aspect.</td>
</tr>
<tr>
<td>A-</td>
<td>Very strong performance with a few shortcomings including grammar and thesis statement or roadmap</td>
</tr>
<tr>
<td>B+</td>
<td>Solid Performance, with some special virtues (shortcomings including grammar, thesis statement and roadmap)</td>
</tr>
<tr>
<td>B</td>
<td>Solid Performance</td>
</tr>
<tr>
<td>B-</td>
<td>Solid overall, but a few notable weaknesses including grammar, thesis statement, roadmap and arguments not thought out all the way</td>
</tr>
<tr>
<td>C+</td>
<td>Average essay, with a few good points</td>
</tr>
<tr>
<td>C</td>
<td>Average essay</td>
</tr>
<tr>
<td>C-</td>
<td>Average essay, with some major problems</td>
</tr>
<tr>
<td>D+</td>
<td>Generally a bad essay, but with a few glimmers of knowledge</td>
</tr>
<tr>
<td>D</td>
<td>Generally a bad essay</td>
</tr>
<tr>
<td>D-</td>
<td>Overall a bad essay, but a hint of knowledge from the course</td>
</tr>
<tr>
<td>F</td>
<td>Did not follow paper instructions, no significant information from the course and/or no attempt</td>
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**IF** you wish to dispute a grade, it must be done in writing within 48 hours of receiving the assignment back. It must address what you are questioning and why you feel your answer/paper is deserving of higher grade.

If you want to dispute a grade please let me know and I will supply you with a handout listing the correct format to use.

1. Participation: 10% Students will start with a C
2. Quizzes: Five (5) 10%
3. Debates: One (1) 20% (Mock Senate Confirmation Hearing (10%) Death Penalty Debate (10%))
4. Papers: Two (2) 60% (20% First Paper, 35% Final) 100%

All grades may be appealed; however, these appeals must be based on solid arguments about the quality of your work. I will not consider requests for grade changes based on undocumented personal or medical issues or the possible implications of a low grade for
your financial aid. Any missed assignments will be penalized 1/3 of a letter grade for every day they are late, including weekends. Missed in-class quizzes will be graded as 0 unless you have documented evidence for an excused absence. This means if you are ill, please go to the University Health Center for documentation of such, even if you would not otherwise do so. Additionally, no extra credit will be offered in order to raise your grade.

ASSISTANCE: If you are having any difficulties with the course material or assignments, I encourage you to come and talk to me. I will be available during office hours (see above) and by appointment. Also, if you are not facing any problems but would like to talk about the course, please feel free to make an appointment.

EMAIL RESPONSES: For my part, I am committed as your instructor to responding to your questions or concerns as soon as is reasonably practical, however I will stop responding to emails by 9:00pm and won’t respond to emails before 9am. So please plan accordingly. Unless there is some sort of unavoidable situation (such as a power outage or a conference that requires me to travel out of town), I will normally check for email messages each day and will respond promptly. IF you have not had a response from me within 48 hours please bring this to my attention. You can expect ample feedback and individualized coaching regarding your written assignments. I expect you to commit yourself to diligent and enthusiastic involvement in this course, and I commit myself to the same.

PLAGIARISM AND FABRICATION: Any plagiarized work as well as any work containing fabricated information represented as true can result in a grade of “0.” This policy pertains to both oral and written assignments. Do not assume that plagiarism or fabrication will go undetected. For written assignments, you must (1) understand the information you have found in your own research and then (2) state that information in your own way, using your own words, rather than someone else’s. Copying the wording of another writer verbatim or nearly verbatim, except for brief attributed quotations, does not constitute original work. Similarly, following someone else’s original writing thought-for-thought, even if you change the wording, does not constitute original work. Please be aware that a plagiarized or fabricated paper will probably be identified as such by your instructor, which can result in a grade of “F” for the course and possible disciplinary action by the University. If you have any questions regarding this very important issue, please ask your instructor. The lectures, classroom activities, and all materials associated with this class and developed by the instructor are copyrighted in the name of (Dr. Kimberley Fletcher) on this date (give date).

FOR STUDENTS WITH DISABILITIES:
If you are a student with a disability and believe you will need accommodations for this class, it is your responsibility to contact Student Disability Services at (619) 594-6473. To avoid any delay in the receipt of your accommodations, you should contact Student Disability Services as soon as possible. Please note that accommodations are not retroactive, and that accommodations based upon disability cannot be provided until you
have presented your instructor with an accommodation letter from Student Disability Services. Your cooperation is appreciated.

**READING SCHEDULE:**
This is subject to change if we get through the information faster/slower than anticipated. However, it will be easier to learn and you will be better prepared for the papers and quizzes if you read as outlined below.

**REQUIRED TEXTS:**
There is only one required Text.


**HOWEVER,** the following is a list of the articles you will read in addition to Neubauer's Text. It is your responsibility to find these articles through SDSUs library and read them for the assigned date. So please plan ahead because some of the readings are difficult and will take some time to digest.

Alexander Hamilton: The Federalist #78

**Gerald Rosenberg. 1991. 2nd eds. The Hollow Hope: Can Courts Bring About Social Change?**
The University of Chicago Press. (Chapter 13, “Confusing Rights with Reality: Litigation for Same-Sex Marriage and the Counter Mobilization of Law.”)

- 2 articles are listed for this reading assignment
  - Jeremy Arnold, “Oedipal Sovereignty and the War in Iraq.”

http://www.uakron.edu/dotAsset/1668556.pdf


COURSE OUTLINE: Subject to change if we fall behind.

Tues., 25 Aug.,: Introduction to the Class
Syllabi
Course Expectations
Creating a Law

Thurs., 27 Aug.,:
Alexander Hamilton: The Federalist #78
Part I – Institutions of Law:
Chapter 1 – Introduction: Law, Courts, and Politics

Tues., 1 Sept.,:
Chapter 2 – Law and Legal Systems

Thurs., 3 Sept.,:
No Class – Online Discussion

Tues., 8 Sept.,:
Chapter 4 – State Courts
War on Drugs documentary: The House I live in – Eugene Jarecki (Sundance Film Festival)

****Paper Assignment #1****

Thurs., 10 Sept.,:
Chapter 4 – Continued
War on Drugs Continued

Tues., 15 Sept.,:
Juvenile Courts and Process and Punishment – articles to be read and discussed in class

Thurs., 17 Sept.,:
Documentary on Juvenile Courts

Tues., 22 Sept.,:
Part II – Interpreters of the Law
Chapter 3 – Federal Courts
Solicitor General

Thurs., 24 Sept.,:
Chapter 3 – Continued
Group activity - Military Tribunals

****Hand in during class: Paper Assignment #1****

Tues., 29 Sept.,:
Detainee Cases
Chapter 6 – Judges.

****Assignment for Senate hearing****

Thurs., 1 Oct.,:
MOCK SENATE CONFIRMATION HEARING

Tues., 6 Oct.,:
Part III – Consumers of Law
Chapter 7 – Mobilizing the Law
Gerald Rosenberg. 1991. The Hollow Hope

Thurs., 8 Oct.,:
Chapter 7 – Continued
Legal Mobilization

****Hand in Senate Confirmation Assignment****

Tues., 13 Oct.,:
Part IV – Trial Courts:
Chapter 8 – Trial Courts: The Preliminary Stages of Criminal Cases

****Assignment – Death Penalty Debate****

Thurs., 15 Oct.,:
Chapter 8 – Continued
Read two articles taken from Sarat and Culbert’s edited volume:
   1. Arnold
   2. Wagner-Pacific

Tues., 20 Oct.,:
DEATH PENALTY DEBATE

Thurs., 22 Oct.,:
Chapter 9 – Trial Courts: How Criminal Cases End: Bargaining and Sentencing

Tues., 27 Oct.,:
Chapter 10 – Trial Courts: How Civil Cases Begin
“Civil Action”

****Hand in Death Penalty Debate Assignment****

Thurs., 29 Oct.,:
Chapter 10 - Continued

Tues., 3 Nov.,:
Tort Reform
Tort tales – Haltom and McCann – Handouts in class no assigned reading

****Assignment of Final Paper****

Thurs., 5 Nov.,:

Tues., 10 Nov.,:
Chapter 11 – Trial Courts: How Civil Cases End

Thurs., 12 Nov.,:
Chapter 14 – The Supreme Court: Deciding What to Decide

Tues., 17 Nov.,:
Chapter 14 – Continued
Political Question Doctrine: Baker v. Carr (1962) – Case Summary (in-class)

Thurs., 19 Nov.,:

Tues., 24 Nov.,:

Wed., 25-27 Nov.,:
Holiday – Thanksgiving Recess

Tues., 1 Dec.,:
Presentations

Thurs., 3 Dec.,:
Presentations
Tues., 8 Dec.:  
Presentations

Thurs., 10 Dec.:  
Presentations  
Wrap - up  
Last Day of Class

FINAL PAPER DUE:  
DATE AND TIME: December 15, 2015 AT NOON  
WHERE: NASSITER HALL (NH) 102