

SYLLABUS

Pols 020: Controversial Legal Issues
6 p.m. T, DMH 149a
Professor Ken Nuger
Fall, 2009

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Course Objectives

This course critically analyzes the complex relationship between individual liberty and the public interest. A major goal of this course is to introduce students to principles of critical thinking by examining legal environments that often embattle society against the individual. The goals of the class are diverse. First and foremost, students should become familiar with principles and patterns of critical thinking. Among some of the elements of critical thinking we shall explore are the following: 1) to understand the relationship between language and logic, 2) to distinguish informational claims from normative or prescriptive judgments, 3) to understand and practice the patterns of critical analysis and 4) to recognize how social applications of human self interest affect and distort sound analysis in the political arena. Since the course utilizes controversial legal issues as the subject matter in which critical thinking will be stressed, another course goal is to increase students' knowledge of the complex issues that frame these legal issues. Students will learn that legal issues cannot be fully appreciated without accounting for historical, psychological, sociological, economic and political realities. Students will become aware that controversy, if considered emotionally, breeds intolerance and ignorance. By definition, controversy suggests people find value in arguments others find abhorrent. The course will wrestle with why individual expressions of liberty often unsettle society. Exploring whether society chooses to favor individual rights or the public interest will prove a fascinating exercise in critical analysis. Another course goal is to acquaint students with traditional and electronic research materials. Finally, students will have ample opportunities to further develop their written and oral communication skills.

Student Learning Objectives

As mandated by university policy, all critical thinking courses for must further the following eight student learning objectives. They are:

1. distinguish between reasoning (e.g., explanation, argument) and other types of discourse (e.g., description, assertion);
2. identify, analyze, and evaluate different types of reasoning;
3. find and state crucial unstated assumptions in reasoning;
4. evaluate factual claims or statements used in reasoning, and evaluate the sources of evidence for such claims;
5. demonstrate an understanding of what constitutes plagiarism;

6. evaluate information and its sources critically and incorporate selected information into his or her knowledge base and value system;
7. locate, retrieve, organize, analyze, synthesize, and communicate information of relevance to the subject matter of the course in an effective and efficient manner; and
8. reflect on past successes, failures, and alternative strategies.

In this particular critical thinking course, we shall explore the various student learning objectives in the following manner.

1. By studying the scientific method and patterns of inductive and deductive reasoning and applying them to controversial legal issues including, but not limited to expressive forms of communication, issues implicating the discriminatory application of the criminal justice system, as well as other forms of discrimination, including those based on race, gender, sexual orientation and class and privacy rights, including abortion, sexual autonomy and the right to die, students will be able to better analyze, evaluate and construct their own arguments about issues of diversity, appreciate different viewpoints, evaluate factual claims and ultimately; more confidently employ analytical reasoning skills.
2. By studying patterns of inductive and deductive reasoning, and by studying the scientific method and applying it to all of the issues explored in this class, students will be able to recognize deductive and inductive reasoning patterns, including common fallacies inherent in reasoning through the logic of competing government policy options. Students will be able to better distinguish between fact and opinion, descriptive and evaluative statements and evaluate different types of reasoning.
3. By completing the course readings, taking part in class discussions, researching materials to develop arguments that lead to final research position papers, and by writing critical thinking evaluations on the research sources used to construct the research papers and by having professorial feedback regarding these writing assignments, students will be able locate, retrieve, organize, evaluate and synthesize information relevant to the course. Students will also be able to better understand the process of ethical research and avoid unethical practices that could be construed as plagiarism.
4. By orally presenting their research to the class and participating in numerous class discussions about the course curricula, students will be able to communicate relevant information about the course and hone their qualitative reasoning skills by having to explain and rationally justify their reasoning processes and research conclusions. Doing so will help students reflect on their past assumptions about the myriad aspects of law and policy and allow them to adjust their attitudes about contemporary legal issues in a way that more fully incorporates the many processes of critical thinking.

Required Textbook

Please purchase the following:

Domino, John, *Civil Rights and Liberties in the 21st Century* 3rd Edition

Reading Packet on Critical Thinking (on reserve)

In addition to these readings, you should regularly read the case summaries online of the cases we study in class. It will help you better understand the course curriculum.

Grading and Evaluation

There will be one midterm and one final exam. Each exam is worth 100 points for a total of 200 examination points. In addition, students will prepare two research papers and critical thinking evaluations on two different issues subsumed within our four general units. Each research paper is worth 25 points and each critical thinking evaluation is worth 15 points for a total of 40 points. When you write your critical thinking evaluation, you will be required to use the format found in the reading packet in Chapter 6, Critical Thinking Skills on page 109.

Class Format

After an initial analysis of basic critical thinking skills and constitutional theory, we will explore four general constitutional issues. Here is the format. We will spend approximately two to three weeks on each of our four constitutional units and a brief unit on the right to bear arms. Generally, I shall lecture on different aspects of each of our four general issue units. As we progress through these lectures, we will pause to discuss the compelling points related to lecture.

Each student will write two sets of papers. One paper will be a 4-5 page research paper on some issue related to the class as well as a critical thinking evaluation. The critical thinking evaluation shall be approximately 3 pages and will evaluate the credibility of one of the research sources you used in preparing your research paper. The research resource you use for your critical thinking evaluation must be no less than 1000 words. If I have any doubt that the article is less than this 1000 word minimum, I will deduct two points from your grade on the critical thinking evaluation. The research source may not be a chapter in a book or an official government document, like a court case. It must be a topical article of some type in which the author takes a position on the issue. Feature articles in newspapers, magazines or journals will have a format that will allow you to complete the critical thinking evaluation as completely as possible. If a set of papers is turned in late, each paper will receive a two-point penalty provided it is turned in no later than 14 days after its original due date. While I will accept late work up through the last day of our regularly scheduled class on December 8th, any work more than 14 days late will have 4 points deducted from its final grade. Your research paper will be graded on both substance and style. You can earn up to 20 points on the substance of your paper and up to five points on the paper's style. Style points are earned with an appropriate title, footnotes and bibliography. The critical thinking evaluation must have a copy of the evaluated article attached to the evaluation, with notations marked within the article body indicating what question of the evaluation the marked up section pertains. Failure to appropriately synchronize the article to your evaluation will result in a one point penalty. Because I cannot grade a critical thinking evaluation without an appropriately annotated article, any evaluation without the accompanying article will receive a zero grade. Finally, it is important that you keep all graded work. If there is a question about what you earned on any given assignment, you can easily correct any errors by showing me the work in question and the grade it received. If you are absent when

assignments are handed back, it is your responsibility to come to my office to get your graded work.

Please note: The absolute last moment I will accept any late work is the last moment of our last day of our regularly scheduled class, not the day of the final exam.

Attendance

Attendance will be recorded each day but you get 2 ½ weeks (five class days) of paid vacation (what a great deal!). For each day of class you miss after five absences, you will lose two points. If you use less than five absences in the semester, you will receive two extra points toward your final grade up to a total of ten extra points. For example, if you miss five days of class, you neither gain nor lose points. If you miss six classes, you lose two points, seven classes, four points, etc. If you miss only four classes, you earn two points; three class, four points and perfect attendance earns you ten extra points. Not only is this a good way to encourage you to attend the greatest show on earth and earn points, but just being in class regularly will help you better master the material.

Academic Dishonesty

Any student caught cheating on any assignment will automatically fail the course and will have an academic dishonesty report submitted to the office of Judicial Affairs. Please refer to the university policy on academic dishonesty. I hate to bring this point up but the sad reality is that some students engage in various types of dishonest behavior and while many may not be caught, please be advised that if I catch any student violating university policy on academic dishonesty, you will fail the course and be sanctioned by the Office of Judicial Affairs. Finally, as required by university policy, the following two San Jose State University policies pertaining to academic dishonesty and disability resources are reprinted below:

“Your own commitment to learning, as evidenced by your enrollment at San José State University, and the University’s Academic Integrity Policy requires you to be honest in all your academic course work. Faculty are required to report all infractions to the Office of Judicial Affairs. The policy on academic integrity can be found at (<http://info.sjsu.edu/static/catalog/integrity.html>).

“If you need course adaptations or accommodations because of a disability, or if you need special arrangements in case the building must be evacuated, please make an appointment with me as soon as possible, or see me during office hours. Presidential Directive 97-03 requires that students with disabilities register with DRC to establish a record of their disability.”

Miscellaneous Ghradoo: The following contains important and/or useful information about this course.

Accommodations: If you need accommodations because of a disability or if you wish to provide emergency medical information, please make an appointment to see me during my office hours as soon as possible.

General Education: This course meets the lower division general education requirement in A3, Critical Thinking.

Electronic slave devices. Please turn your cell phones to off or silent operation. If you are expecting an emergency call, and have to have the device on, please sit near the classroom door and as soon as your electronic slave device activates, quietly leave the room and tend to your business in the hall.

Computer use policy.

Students who wish to use their computers for word processing only may do so only in the front of the classroom. If I catch any student with any computer program opened that is not a word type processing program, even if a word processing program is also opened, you will earn a permanent membership to my shit list. If quantified, membership to my shit list gives you the privilege of losing at least 10 points from the total semester points you earned. Browsing, im'ing, emailing or any type of computer use for self amusement is rude to those sitting aroundyou. Serious students complain that those who use their computer for self amusement break their concentration. If I demand to see your computer, you will take your hands off the keyboard instantly. Any delay, and any keystroke activity, even for just a second, will be perceived as evidence of violating the laptop policy. I'm really sorry to take such drastic and unpleasant action but the amount of rude computer users in class has really become a problem. WTF is up with that?

Final Words

You will be expected to conduct yourself in a mature, responsible, and most of all, creative manner. Ponder intensively! Question that with which you disagree! Discuss! Never assume without understanding. As John Stuart Mill insightfully pleaded more than a century ago:

No one can be a great thinker who does not recognize, that as a thinker, it is his first duty to follow his intellect to whatever conclusions it may lead.

But do not grow complacent: To wit:

Semester schedule: Our units will follow this order:

Introduction to Critical Thinking, Legal Reasoning and Constitutional Analysis, August 25 – September 8.

Critical thinking course reader, on reserve (don't read the last article on guns, that comes later)

Domino, Ch. 1, Introduction

Domino, Ch 4, Due Process Rights...159-165

Unit One: Expressive Freedom, and the First Amendment. September 15 – September 29. Papers due on September 29th.

Domino, Ch. 2, Freedom of Expression, pp. 29-48, 55-88.

Mini Unit: States' rights, nonfundamental freedoms and the Second Amendment right to bear arms. Midterm review. October 6th

Read the article in the course reader on guns and the second amendment,
Discuss Heller v. District of Columbia and review for the midterm examination

Midterm exam, October 13th.

Unit Two: The Constitution and Criminal Justice, October 13th - October 27. Papers due on October 27th.

Domino, Ch. 4, Due Process Rights and Criminal Justice, pp. 165-197, 211-227.

Unit Three: Constitutional Privacy, November 3 – 17th. Papers due on Nov. 17th.

Domino, Ch. 5, Privacy, pp. 231-283

Unit Four: Equal Protection of the Laws, November 17th - December 8th. Papers due on Dec 8th.

Domino, Ch. 6, Equal Protection of the Laws, pp. 288-306, 306-327 (time permitting), 327-355

Review for final exam, class evaluations, December 8th.

Final exam, Tuesday, December 15th, 6 p.m. (The time stated on the finals schedule has our start time at 5:15 but it is easier for everyone to start the final at the same time that we have started class all semester so let's go for 6 p.m. Anyone coming from work will appreciate that.)