San José State University  
Department of Political Science  
POLS 20: Controversial Legal Issues, Spring 2016

Instructor: Sara M. Benson  
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Email: sara.benson@sjsu.edu  
Office Hours: Mondays and Wednesdays 2:45 – 3:45  
Class Days/Time: This course is offered online via Canvas.  
GE/SJSU Studies Category: Critical Thinking

Course Description
This is a writing intensive course designed to introduce students to critical thinking, and to major concepts and controversies in legal studies and constitutional law. The course takes a law and society approach and therefore is grounded in a close reading of the Constitution and Bill of Rights, as well as a range of secondary sources, including case law, social theory, and film. We will explore the meaning of the separation of powers in relation to wartime economies, equal protection and due process in relation to the Reconstruction Amendments, and the prohibition of cruel and unusual treatment in relation to criminal law and prison litigation. Students will examine the legal status of citizens, criminals, prisoners, immigrants, denizens, and enemy combatants in relation to the theory and practice of constitutional law. Students will be evaluated not on the frequent expression of opinion, but on a demonstrated and textually grounded knowledge of the legal aspects of these issues. Student success in this course depends on an active engagement with course materials.

This is an online course. Expectations for performance in an online course are the same as for a traditional course; in fact, online courses require a degree of self-motivation and self-discipline that can make them more demanding than traditional courses for some students. You will be expected to keep up with all assignments week by week.

Course Goals and Learning Outcomes

Course Learning Outcomes (CLO)
This course is designed for political science majors and fulfills the Critical Thinking component of the General Education curriculum. Student success in this course is dependent on an active engagement with course materials. Students will write a minimum of 6,000 words about law
through the various assignments (4,000 in revised, final draft form). The writing requirement is met by two critical thought assignments (a 5-7 page essay and a 5-7 page book review). In addition to weekly quiz responses, students will also craft three final exam essays totaling nine pages. These assignments are designed to meet the General Education requirements.

Upon successful completion of this course, students will be able to:

CLO 1: Read and respond to law and legal thinking using critical thinking and reasoning skills.

CLO 2: Understand the gender and racialization of law in major constitutional and controversial questions.

GE Learning Outcomes (GELO)

The General Education Critical Thinking goals for this course include the following:

GELO1: Students should be able to distinguish between reasoning (explanation, argument) and other types of discourse (description, assertion).

GELO2: Students should be able to identify, analyze, and evaluate different types of reasoning.

GELO3: Students should be able to find and state crucial unstated assumptions in reading.

GELO4: Students should be able to evaluate factual claims or statements used in reasoning, and evaluate the sources of evidence for such claims.

GELO5: Students should be able to demonstrate an understanding of what constitutes plagiarism.

GELO6: Students should be able to evaluate information and its sources critically and incorporate selected information into his or her knowledge base and value system.

GELO7: Students should be able to locate, retrieve, organize, analyze, synthesize, and communicate information of relevance to the subject matter of the course in an effective and efficient manner.

GELO8: Students should be able to reflect on past successes, failures, and alternative strategies.

Department Learning Outcomes

Breadth Students should possess a broad knowledge of the theory and methods of the various branches of the discipline.

Application Students should be able to apply a variety of techniques to identify, understand, and analyze domestic and international political issues and organizations.

Disciplinary methods Student should be able to formulate research questions, engage in systematic literature searches using primary and secondary sources, have competence in systematic data gathering using library sources, government documents, and data available through electronic sources, should be able to evaluate research studies, and should be able to critically analyze and interpret influential political texts.

Communication Skills Students should master basic competencies in oral and written communication skills and be able to apply these skills in the context of political science. This means communicating effectively about politics and/or public administration, public policy, and law.

Citizenship Students should acquire an understanding of the role of the citizen.
Required Texts/Readings

Textbooks
Erwin Chemerinsky, *Constitutional Law (5th Edition)* 9781454849476

Additional readings are listed below in the Course Schedule, and will be posted on Canvas or provided via a web link.

Course Requirements, Assignments, Grading Policy

Assignment One: Essay Assignment (5-7 pages) 20% of course grade
Assignment Two: Book Review (5-7 pages) 25% of course grade
Assignment Three: Final Exam (5-7 pages) 25% of course grade
Assignment Four: Weekly Quizzes 30% of course grade

Assignment One: Essay
This assignment asks students to think critically about the legal status of detainees in the global war on terror. The essay must be 5-7 pages in length and draw exclusively from course readings. The essay prompt is posted on canvas, along with helpful hints for successful writing.

Assignment Two: Book Review
Using Wendy Belcher’s “Writing the Academic Book Review” (available on Canvas), students will craft a 5-7 page review of Darius Rejali’s *Torture and Democracy*.

Assignment Three: Final Exam
This examination will require that students compose answers to three essay prompts that are comprehensive and cumulative. Each essay will be 2-3 pages (making the total exam 6-9 pages in length). In the essay prompts, students will be asked to identify key legal concepts and to link those concepts to the larger themes of the course.

Assignment Four: Weekly Quizzes
Quizzes will be given online weekly, and consist of multiple choice, true/false, and short answer questions. You may not pause the quiz once you begin, so please be certain you have a reliable internet connection before beginning each quiz. Each quiz must be completed by the weekly deadline. Failure to take a quiz during the availability period will result in a score of "0" for that quiz. Make-ups will not be given for quizzes. Quizzes are open note, open book. Complete the quiz on your own and do not collaborate with other students.
Grading Policy

No late papers will be accepted.

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<thead>
<tr>
<th>Score Range</th>
<th>Grade</th>
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<tbody>
<tr>
<td>97-100</td>
<td>A+</td>
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<tr>
<td>93-96</td>
<td>A</td>
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<tr>
<td>90-92</td>
<td>A-</td>
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<tr>
<td>87-89</td>
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<td>83-86</td>
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<td>63-69</td>
<td>D</td>
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<tr>
<td>60-62</td>
<td>D-</td>
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<td>&lt;60</td>
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Canvas and Technology Requirements

This course is delivered online through Canvas: https://sjsu.instructure.com. You are automatically registered with Canvas as a registered student of the course. Links for students regarding Canvas issues and questions: http://www.sjsu.edu/at/ec/docs/Canvas-Student%20Login%20Information.pdf and http://www.sjsu.edu/at/ec/docs/CanvasStudentTutorial_New.pdf.

It is your responsibility in an online class to ensure you have the proper technology to view online curriculum. I cannot provide tech support for your system or software. Students can submit help request consultation regarding technology questions with SJSU eCampus staff: https://isupport.sjsu.edu/ecampus

Success in this course requires active participation by logging in multiple times a week for updates, announcements, to complete course assignments, and take quizzes.

University Policies

SJSU classes are designed such that in order to be successful, it is expected that students will spend a minimum of forty-five hours for each unit of credit (normally three hours per unit per week), including preparing for class, participating in course activities, completing assignments, and so on. More details about student workload can be found in University Policy S12-3 at http://www.sjsu.edu/senate/docs/S12-3.pdf. University policy F69-24 states that “Students should attend all meetings of their classes, not only because they are responsible for material discussed therein, but because active participation is frequently essential to insure maximum benefit for all members of the class. Attendance per se shall not be used as a criterion for grading.”

Dropping and Adding

Students are responsible for understanding the policies and procedures about add/drop, grade forgiveness, etc. Refer to the current semester’s Catalog Policies section at http://info.sjsu.edu/static/catalog/policies.html. Add/drop deadlines can be found on the current academic year calendars document on the Academic Calendars webpage at
Consent for Recording of Class and Public Sharing of Instructor Material

University Policy S12-7, http://www.sjsu.edu/senate/docs/S12-7.pdf, holds that course material developed by the instructor is the intellectual property of the instructor and cannot be shared publicly without his/her approval. You may not publicly share or upload instructor generated material for this course such as exam questions, lecture notes, or homework solutions without instructor consent.

Academic integrity

Your commitment as a student to learning is evidenced by your enrollment at San Jose State University. The University Academic Integrity Policy S07-2 at http://www.sjsu.edu/senate/docs/S07-2.pdf requires you to be honest in all your academic course work. Faculty members are required to report all infractions to the office of Student Conduct and Ethical Development. The Student Conduct and Ethical Development website is available at http://www.sjsu.edu/studentconduct/.

Campus Policy in Compliance with the American Disabilities Act

If you need course adaptations or accommodations because of a disability, or if you need to make 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 at http://www.sjsu.edu/president/docs/directives/PD_1997-03.pdf requires that students with disabilities requesting accommodations must register with the Accessible Education Center (AEC) at http://www.sjsu.edu/aec to establish a record of their disability.

Accommodation to Students' Religious Holidays

San José State University shall provide accommodation on any graded class work or activities for students wishing to observe religious holidays when such observances require students to be absent from class. It is the responsibility of the student to inform the instructor, in writing, about such holidays before the add deadline at the start of each semester. If such holidays occur before the add deadline, the student must notify the instructor, in writing, at least three days before the date that he/she will be absent. It is the responsibility of the instructor to make every reasonable effort to honor the student request without penalty, and of the student to make up the work missed. See University Policy S14-7 at http://www.sjsu.edu/senate/docs/S14-7.pdf.

SJSU Writing Center

The SJSU Writing Center is located in Clark Hall, Suite 126. All Writing Specialists have gone through a rigorous hiring process, and they are well trained to assist all students at all levels within all disciplines to become better writers. In addition to one-on-one tutoring services, the Writing Center also offers workshops every semester on a variety of writing topics. To make an appointment or to refer to the numerous online resources offered through the Writing Center, visit the Writing Center website at http://www.sjsu.edu/writingcenter.
Political Science 20: Controversial Legal Issues  
S. Benson, Spring 2016  

*The schedule is subject to change with fair notice.*

## Course Schedule

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<thead>
<tr>
<th>Week</th>
<th>Topics, Readings, Assignments, Deadlines</th>
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| 1    | ☐ Read Syllabus  
☐ Read Library Plagiarism Tutorial (available at [http://tutorials.sjlibrary.org/tutorial/plagiarism/tutorial/introduction.htm](http://tutorials.sjlibrary.org/tutorial/plagiarism/tutorial/introduction.htm))  
☐ Take Quiz 1a: Plagiarism & Syllabus Quiz on Canvas in “Assignments” (due Friday, February 5 by 5pm)  
☐ Take Quiz 1b: Critical Thinking (due Friday, February 5 by 5pm) |
☐ Read Executive Order 13492 (on Canvas in “Files”)  
☐ Take Quiz 2: Executive Order 13492 (due Friday, February 12 by 5pm) |
| 3    | ☐ Read Chemerinksy, *Constitutional Law*, pp. 351-402  
☐ Take Quiz 3: Executive Power (due Friday, February 19 by 5pm) |
| 4    | ☐ Read Amy Kaplan, “Where is Guantánamo?” (on Canvas in “Files”)  
☐ Take Quiz 4: Legal Borderlands/Where is Guantánamo (due Friday, February 26 by 5pm) |
| 5    | ☐ Film Screening: *Ghosts of Abu Ghraib* (by Friday, March 4)  
(available at [https://www.youtube.com/watch?v=FGpaOp6_i7M](https://www.youtube.com/watch?v=FGpaOp6_i7M))  
***WARNING: This film contains graphic images of the photographs from Abu Ghraib, and I encourage you to fast-forward through these images***  
☐ Read Guidelines for Assignment One (“Assignment One: Essay Prompt”) |
<p>| 6    | <strong>Submit Essay Assignment (5-7 pages) by 5pm on Friday, March 11</strong> |
| 7    | ☐ Read Chemerinksy, <em>Constitutional Law</em> (Chapter 6 and 7) (no quiz required) |</p>
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</table>
☐ Read Torture Convention (see “Files” in Canvas)  
☐ Take Quiz 5: Domestic & International Law (due Friday, March 25 at 5pm) |
| 9    | Spring Break |
| 10   | ☐ Read Wendy Belcher’s “Writing the Academic Book Review” (see “Files” in Canvas) (no quiz required) |
| 11   | ☐ Read Darius Rejali, *Torture and Democracy*, pp. 1-63  
☐ Take Quiz 6: Torture and Democracy (due Friday, April 15 at 5pm) |
| 12   | ☐ Read Darius Rejali, *Torture and Democracy* (pp. 63-257)  
☐ Take Quiz 7: Torture and Democracy (due Friday, April 22 at 5pm) |
| 13   | ☐ Read Rejali, *Torture and Democracy* (Chapters 20 and 21)  
☐ Take Quiz 8: Torture and Democracy (due Friday, April 29 at 5pm) |
| 14   | Submit Book Reviews no later than 5pm on Friday, May 6 |
| 15   | Access Guidelines and Prompts for Final Exam Essays (see “Files” in Canvas) |

**Final Exam Due Friday, May 20 at noon**