

**San José State University**  
**Department of Political Science**  
**POLS 20: Controversial Legal Issues, Spring 2020**

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<b>Office Hours:</b>	Monday/Wednesday 10:15-11:45
<b>Class Days/Time:</b>	ONLINE
<b>Classroom:</b>	ONLINE
<b>GE/SJSU Studies Category:</b>	Critical Thinking/A3

**Course Description**

Basic concepts in critical thinking as demonstrated in legal reasoning and analysis of contemporary legal issues.

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 primary and secondary sources, including case law, social theory, and film. Students will learn critical thinking skills by focusing on the puzzle of torture's presence in democratic societies. Students will examine various methods of reasoning in order to think about controversies regarding the legal status of detainees in the global war on terror, and consider socio-historical and legal perspectives on the relationship between states and citizens. 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 the course materials.

***This is a fully online course. All of your work in this course will be done using Canvas. You will need to have regular access to a computer and a stable Internet connection to be successful in this course.***

Please note that I have virtual office hours between 9 and 2 pm on Mondays and Wednesdays. Outside of that window, I am generally able to respond to emails and Canvas messages within 24 hours, with the exception of weekends and holidays.

## Course Goals and Learning Outcomes

### Course Learning Outcomes (CLO)

*This course is designed for political science majors and fulfills the Critical Thinking (A3) 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). 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 key legal questions in debates about torture and democracy.

### GE Learning Outcomes (GELO)

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

GELO 1: Students should be able to locate and evaluate sources, through library research, and integrate research through appropriate citation and quotation.

GELO 2: Students should be able to present effective arguments that use a full range of legitimate rhetorical and logical strategies to articulate and explain their positions on complex issues in dialogue with other points of view.

GELO 3: Students should be able to effectively locate, interpret, evaluate, and synthesize evidence in a comprehensive way in support of one's ideas.

GELO 4: Students should be able to identify and critically evaluate the assumptions in and the context of an argument.

GELO 5: Students should be able to effectively distinguish and convey inductive and deductive patterns as appropriate, sequencing arguments and evidence logically to draw valid conclusions and articulate related outcomes (implications and consequences).

### Department Learning Outcomes

The Department of Political Science has the following goals in mind for this course:

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

**Application and Disciplinary Methods** Students should be able to formulate research questions, engage in systematic literature searches using primary and secondary sources, evaluate research studies, and critically analyze and interpret influential political texts. Students should be able to apply these techniques to identify, understand, and analyze domestic and international political issues and organizations.

**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 in local, state, national, and global contexts and appreciate the importance of lifelong participation in political processes.

## Required Texts/Readings

### Readings Posted on Canvas

#### Textbooks

Darius Rejali, *Torture and Democracy* ISBN: 0691143331

### Course Requirements, Assignments, Grading Policy

Assignment One: Article Summaries <i>The Guantanamo Docket</i> Guantanamo Readings (Paragraph Summaries) Executive Order 13492 and Related Materials	20% of course grade
Assignment Two: Quizzes “Where Is Guantanamo?” <i>Ghosts of Abu Ghraib</i> The Torture Convention <i>Torture and Democracy</i>	30% of course grade
Assignment Three: Critical Synthesis Papers Closing Guantanamo? <i>Torture and Democracy</i> Torture in Popular Culture	30% of course grade
Assignment Four: Final Exam	20% of course grade

Assignment One: Article Summaries CLO1 and GELO 1, 3  
This assignment is designed to introduce students to the practice of writing critical summaries. These are short papers (2-3 pages) that outline the key ideas from the readings, using paraphrase and direct citation. Correct citational practice is an important part of this assignment. Be sure to revise and proofread your work.

Assignment Two: Quizzes CLO 2 and GELO 3, 4  
There are multiple choice online quizzes assigned this semester. They are designed to assess your reading comprehension and to help you focus on key ideas and clarify main arguments. Make sure that you read the course materials carefully before you begin each quiz, but you can use your reading materials and notes as you take the quiz.

Assignment Three: Critical Synthesis Papers CLO 1 and GELO 3, 4, 5  
Students will craft critical responses to a set of readings and cite course materials correctly as part of their own analysis. See schedule below for themes. Students will write 3 critical synthesis papers over the course of the semester. Papers shorter than 3 pages will not be considered passing work.

Assignment Four: Final Exam CLO 1, 2 and GELO 2, 3  
The final exam should be 4-5 double-spaced pages and address the prompt posted on Canvas.

## **Grading Policy**

**No late papers will be accepted.**

### **Grading Scale**

97 to 100	A plus
93 to 96	A
90 to 92	A minus
87 to 89	B plus
83 to 86	B
80 to 82	B minus
77 to 79	C plus
73 to 76	C
70 to 72	C minus
63 to 69	D
60 to 62	D minus
less than 60	F

### **University Policies**

Per University Policy S16-9, university-wide policy information relevant to all courses, such as academic integrity, accommodations, etc. will be available on Office of Graduate and Undergraduate Programs' [Syllabus Information web page](http://www.sjsu.edu/gup/syllabusinfo/) at <http://www.sjsu.edu/gup/syllabusinfo/>.

*Please review the information about university policies on plagiarism contained above, which may result in a failing grade. Faculty members are required to report all infractions to the office of Student Conduct and Ethical Development.*

Success in this course is based on the expectation that students will spend, for each unit of credit, a minimum of 45 hours over the length of the course (normally 3 hours per unit per week with 1 of the hours used for lecture) for instruction or preparation/studying or course related activities including but not limited to internships, labs, clinical practica. Other course structures will have equivalent workload expectations as described in the syllabus.

### **Classroom Protocol**

*Students should attend all class meetings and participate in class exercises, assignments and discussions. During class time, we work collectively to read widely in the field. Your cell phone should not ring. You should not text under the desk. You do not need your computer. Please bring your course materials, a notebook, and a pen to class. Late arrivals are inappropriate. If you absolutely must enter late, please be prepared to enter quietly and without disruption. Please be respectful of your colleagues during class discussions and exams.*

### **Political Science Departmental Writing Policy and SJSU Writing Center**

Students of political science should develop the ability to write in clear, grammatical English. Spelling and grammar count! Students must take care that appropriate citations are used. Direct quotations must be so indicated with quotation marks and a specific reference to the page in the source from which it was taken. Failure to cite your sources constitutes academic misconduct which carries with it serious sanctions. A tutorial on citations is available at the library website at [http://www.sjlibrary.org/services/literacy/info\\_comp/citing.htm](http://www.sjlibrary.org/services/literacy/info_comp/citing.htm).

For assistance with writing, please see me or visit the SJSU Writing Center located in Clark Hall, Suite 126. 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, visit the Writing Center website at <http://www.sjsu.edu/writingcenter>.

**POLS 20: Controversial Legal Issues, Spring 2020**

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

<b>Date</b>	<b>Topics, Readings, Assignments, Deadlines</b>
Monday, January 27	<p>*Please read your course syllabi and note all deadlines for this online course.</p> <p><u>Unit 1: What is Critical Thinking?</u></p> <ul style="list-style-type: none"> <li>• Review Rhetoric and Critical Thinking Slides in Files</li> <li>• Watch the Timeline Infographic on <i>The Guantanamo Docket</i> website: <a href="https://www.nytimes.com/interactive/projects/guantanamo">https://www.nytimes.com/interactive/projects/guantanamo</a></li> <li>• Use the prompts posted on Canvas to craft a 1-page response due Feb 3.</li> </ul>
Monday, February 3	<p><u>Unit 2: How We Got Here</u></p> <p><b>Guantanamo Docket Summary Due by noon</b></p> <p>Julian Hattam, “How We Got Here” <a href="https://thehill.com/policy/national-security/270417-gitmo-timeline-how-we-got-here">https://thehill.com/policy/national-security/270417-gitmo-timeline-how-we-got-here</a></p> <p>Hailey Britzky, “16 Years of Guantanamo” <a href="https://www.axios.com/the-timeline-of-guantanamo-bay-1515703908-719b0ec6-16d9-4dec-9c6a-9d7f4bbde419.html">https://www.axios.com/the-timeline-of-guantanamo-bay-1515703908-719b0ec6-16d9-4dec-9c6a-9d7f4bbde419.html</a></p> <p>Daniel Klaidman, “How Gitmo Imprisoned Obama” <a href="https://www.newsweek.com/2013/05/15/how-gitmo-imprisoned-obama-237388.html">https://www.newsweek.com/2013/05/15/how-gitmo-imprisoned-obama-237388.html</a></p> <p>“A Guantanamo Primer” <a href="https://www.miamiherald.com/news/nation-world/world/americas/guantanamo/article1939250.html">https://www.miamiherald.com/news/nation-world/world/americas/guantanamo/article1939250.html</a></p> <p>Write a substantive paragraph summarizing each of these articles by Feb 10 at noon. You should write 4 paragraphs total. See Canvas for details.</p>
Monday, February 10	<p><u>Unit 3: Critical Thinking &amp; Primary Documents</u></p> <p><b>Article Summaries Due by noon</b></p> <p>Read Executive Order 13492 in Files</p> <p>Habeas Corpus: <a href="https://www.law.cornell.edu/wex/habeas_corpus">https://www.law.cornell.edu/wex/habeas_corpus</a></p> <p>Common Article 3 of the Geneva Conventions: <a href="https://defensewiki.ibj.org/index.php/Common_Article_3_of_the_four_Geneva_Conventions_of_1949_and_Additional_Protocols_I_and_II">https://defensewiki.ibj.org/index.php/Common_Article_3_of_the_four_Geneva_Conventions_of_1949_and_Additional_Protocols_I_and_II</a></p> <p>Create a 2-page summary of Executive Order 13492. In your summary, be sure to define <i>habeas corpus</i> and explain the meaning of Common Article 3 of the Geneva Conventions. Due Feb 17.</p>

Date	Topics, Readings, Assignments, Deadlines
Monday, February 17	<p><u>Unit 4: Controversial Legal Issues</u>  <b>Summary of Executive Order 13492 Due</b></p> <p>Remarks of President Barack Obama, “Protecting Our Security and Our Values,” May 21, 2009  <a href="https://obamawhitehouse.archives.gov/the-press-office/remarks-president-national-security-5-21-09">https://obamawhitehouse.archives.gov/the-press-office/remarks-president-national-security-5-21-09</a></p> <p>Michael D. Goldhaber, “Constitutional Lawyers Divided Over Fate of Guantanamo Detainees”  <a href="https://amlawdaily.typepad.com/amlawdaily/2009/01/escape-from-gitmo.html">https://amlawdaily.typepad.com/amlawdaily/2009/01/escape-from-gitmo.html</a></p>
Monday, February 24	<p><u>Unit 5: Closing Guantanamo?</u>  Senator Sam Brownback, “Don’t put detainees at Ft. Leavenworth,” <i>Los Angeles Times</i>, April 18, 2008. <a href="http://www.latimes.com/news/opinion/la-oe-w-brownback18apr18,0,7689778.story">http://www.latimes.com/news/opinion/la-oe-w-brownback18apr18,0,7689778.story</a></p> <p>John Taylor, “Lawmakers blast possibility of moving Guantanamo detainees to Kansas.”  <a href="http://www2.ljworld.com/news/2009/aug/03/officials-worry-about-guantanamo-reports/">http://www2.ljworld.com/news/2009/aug/03/officials-worry-about-guantanamo-reports/</a></p> <p>Hannah Fairfield and Tim Wallace, “The Terrorists in U.S. Prisons.”  <a href="https://www.nytimes.com/interactive/2016/04/07/us/terrorists-in-us-prisons.html">https://www.nytimes.com/interactive/2016/04/07/us/terrorists-in-us-prisons.html</a></p> <p>Chris McGreal, “Hard Times in Michigan lead town to bid for Guantanamo inmates.” <i>The Guardian</i>, November 27, 2009  <a href="https://www.theguardian.com/world/2009/nov/27/michigan-town-bid-guantanamo-inmates">https://www.theguardian.com/world/2009/nov/27/michigan-town-bid-guantanamo-inmates</a></p> <p>“White House: Guantanamo Detainees Will Be Sent to Illinois Prison,”  <a href="https://abcnews.go.com/Politics/obama-white-house-announces-transfer-guantanamo-detainees-illinois/story?id=9342554">https://abcnews.go.com/Politics/obama-white-house-announces-transfer-guantanamo-detainees-illinois/story?id=9342554</a></p> <p>“Despite Gitmo Impasse...”  <a href="https://news.stlpublicradio.org/post/despite-gitmo-impasse-illinois-empty-thomson-prison-still-sale#stream/0">https://news.stlpublicradio.org/post/despite-gitmo-impasse-illinois-empty-thomson-prison-still-sale#stream/0</a></p> <p>“Issue of Where to Move Guantanamo Detainees Threatens Closure...”  <a href="https://www.washingtonpost.com/world/national-security/guantanamo-closure-plan-suffers-setback-over-us-site-for-detainees/2015/08/10/1540c2e0-3f68-11e5-9561-4b3dc93e3b9a_story.html">https://www.washingtonpost.com/world/national-security/guantanamo-closure-plan-suffers-setback-over-us-site-for-detainees/2015/08/10/1540c2e0-3f68-11e5-9561-4b3dc93e3b9a_story.html</a></p>

Date	Topics, Readings, Assignments, Deadlines
Monday, March 2	<u>Unit 6: Historicizing Guantanamo</u> <ul style="list-style-type: none"> <li>• <b>Critical Synthesis Paper on Units 4 and 5 Due at noon.</b> See Canvas for details.</li> <li>• Start reading Amy Kaplan’s “Where is Guantánamo?” for next week’s quiz.</li> </ul>
Monday, March 9	<u>Unit 6: Historicizing Guantanamo</u> <ul style="list-style-type: none"> <li>• Complete Kaplan Quiz by noon.</li> <li>• Film Screening: <i>Ghosts of Abu Ghraib</i>:  <a href="https://www.youtube.com/watch?v=FGpaOp6_I7M">https://www.youtube.com/watch?v=FGpaOp6_I7M</a> </li> </ul> <p>***This film includes some graphic images of photographs from Abu Ghraib, and I encourage you to skip over those portions of the film***</p>
Monday, March 16	<u>Unit 7: From Prisoners of War to Enemy Combatants</u> <ul style="list-style-type: none"> <li>• <b>Quiz on <i>Ghosts of Abu Ghraib</i> due by noon.</b></li> <li>• Read the Torture Convention in Files</li> <li>• Read US Reservation to the Torture Convention</li> <li>• Read U.S. Bill of Rights (Canvas)</li> </ul>
Monday, March 23	<u>Unit 8: Torture &amp; the Law</u> <ul style="list-style-type: none"> <li>• <b>Quiz on the Torture Convention, the US Reservation, and the Bill of Rights due by noon</b></li> <li>• Read Darius Rejali’s <i>Torture and Democracy</i> to page 63.</li> <li>• Read Torture and Democracy Slides Posted in Files.</li> </ul>
Monday, March 30	<b>Spring Break.</b>
Monday, April 6	<u>Unit 9: Torture and Democracy</u> <b>Quiz on first 63 pages of <i>Torture and Democracy</i> due by noon.</b> Read Darius Rejali, <i>Torture and Democracy</i> , pages 446-479.
Monday, April 13	<b>See Critical Synthesis Paper Guidelines.</b>
Monday, April 20	<b>Critical Synthesis Paper Due</b>
Monday, April 27	<b>Torture in Popular Culture Assignment Due</b>
Monday, May 4	<b>Final Exam Distributed</b>

**\*Final Exam due Thursday, May 14 no later than 9:30am**