Political Science 222: HY01: The U.S. Legal System (Summer 2017)

SYLLABUS

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Class Meets: Online: Mondays and Wednesdays, 3.5 hours per day;
In Person: Tuesday and Thursday evenings, 6:30 to 10:00 PM
LOCATION: Building 2N, Room 107

Course Description and Format:

This introductory survey course examines the role of law in American society and politics. As
tocqueville wrote long ago, “[t]here is hardly a political question in the United States which does not
sooner or later turn into a judicial one.” As students of American politics, then, it makes sense for us to
become conversant with different ways of understanding “law” and its social and political significance.
The course covers a broad range of topics in legal studies. The major topics covered are: (1) the nature
of law and the logic of legal reasoning; (2) the adversary system and “adversary ethic”; (3) feminism and
the law; (4) police, citizens, and the fourth amendment; (5) the jury, law, and morality. Throughout, we
will be concerned with law and its relationships to cultural change and political and moral conflicts.

This course stresses careful reading of texts and class discussion between the instructor and
students and among students. Because we will be taking up several controversial issues (e.g. sexual
violence) it is imperative that all of us make every effort to tolerate competing views and to treat others
with concern and respect.

Online Format and Work: The online portion of this class will not be conducted in real time.
Readings, the instructor’s occasional short videotaped lectures, online video content, podcasts, and the
like will be assigned for the online days. Typically, but not always, students will have some sort of
obligation to offer responses or to participate in discussions online. Online participation will sometimes
be graded (blogs). Otherwise, online participation counts as part of your class participation grade. To
submit your blogs, go to the tab on Blackboard labeled “Blogs.” I will use the “Discussions” tab to offer
comments or pose questions, especially on Mondays and Wednesdays. On the Homepage on Blackboard,
there is a tab designated “Start Here” (for personal introductions). Under the “Content” tab you find this
syllabus and then folders labeled “Unit #1,” “Unit #2,” and so on. Each unit folder corresponds to a
Roman numeral on the Syllabus. For example, “Unit #1” corresponds to Roman numeral I on this
syllabus (“Introduction: Law, Politics, and Society”). These tabs will carry you to all materials assigned
for that topic or unit (readings, powerpoints, etc).

Readings:

* All readings for this course are available on the Blackboard site for this class. If you have any
difficulty accessing the readings, please let me know by emailing me directly. I can email readings to
students directly upon request.
Requirements, Policies and Procedures:

Evaluation and Grading—The requirements for the course are: personal introduction and reflective statement; regular attendance and participation in class, one short paper, four blog posts, and one final, in-class, two-hour exam. The final grade will be calculated as follows:

- Personal Introduction and Reflective Statement: 5%
- Attendance and Participation: 10%
- Paper/Writing Exercise: 20%
- Two Blog Posts; Two Discussion Boards (average): 40%
- Final Examination: 25%

Explanation of Requirements and Assignments:

Attendance is required. Together with active class participation, attendance will constitute 10% of your final grade. As you know, this course is a highly compressed, summer course. Missing one day of class is like missing 3-4 classes during the regular semester. If you can’t make a commitment to attend class every day, then you should not take this course.

There will be one short paper or writing assignments (3-5 pages), two required blog posts (300-600 words), two required discussion board posts, and one final examination. The papers assignment will ask you to construct an argument in response to a question. The blog posts, roughly one each week, will ask you to react or respond to readings and other materials (e.g. hypothetical problems or online content or films). In your blog posts, please write well, with proper punctuation, grammar, and spelling. The examination will include multiple choice, short answer, and essay questions. The dates for the papers and exams are as follows:

**Short Paper:**
- **First Blog Assignment:**
- **Second Blog Assignment:**
- **First Discussion Board Assignment:**
- **Second Discussion Board Assignment:**
- **Final Examination:** Thursday, June 28th, 6-9 pm.

Late Paper, Blog Posts, and Absences from Exams—As a general matter, only extreme, unexpected and well-documented emergencies will constitute an excuse for failing to hand in a paper or blog post on time or to sit for the examination. In the absence of a valid excuse, the penalty for late papers is a deduction of 3 points per day.

* You are able to participate actively in class when you have read the assigned readings in advance; when you are able to restate the important information and arguments found there; and when you have formulated interesting questions or comments in response to these readings. To assist you with your reading, I will hand out and post on Blackboard discussion questions for each unit. In order to receive a 90 for this part of your grade, you need only attend all classes, or all but one class, and submit the required posts on Blackboard. More than one absence from class will result in deductions from this part of your grade. More than four absences from the in-person classes will result in an F for this part of your grade.
Classroom Comportment and Behavior—The success of the academic enterprise depends upon the creation and maintenance of a community of persons who are serious about intellectual inquiry and learning. While in the classroom, please take yourself and others seriously. Please try your best to be five minutes early for class. Please turn off your cell phones and computers, unless you are using a computer to take notes. Please do not engage in side conversations or other distracting behaviors. Please try to stay focused and alert.

ACADEMIC INTEGRITY--You are encouraged to discuss the course materials and the assignments and to prepare for the exam with your fellow students. However, all written work must be your own. All violations of standards of academic integrity (e.g. cheating on exams; failing properly to cite authorities consulted and used for your papers, including any sources or materials found on the internet) may be addressed through formal disciplinary procedures. Students should consult The Gazetteer, Student Handbook, for the CUNY Policy on Academic Integrity.

Retain Hard Copies of All Work--You are required to retain hard copies of all work completed, as well as all work completed and returned, over the course of the semester. You should retain these materials through December 31, 2016.

Students with Disabilities--If you experience any disability that requires individual accommodation to facilitate your participation and work in this course, and/or to meet with me, I encourage you to speak with me so that appropriate accommodations can be made.

Student Advisement—My office hours during this course are Thursdays, 1:00 to 3:00, or by appointment. Please let me know if you will be coming to see me during office hours. My office is located in Building 2N, 2nd floor, Room 226. My office phone number is: 718-982-3011. My email address is: michaelpari@gmail.com, or Michael.Paris@csi.cuny.edu. I encourage you to come in to talk with me as often as you would like. I also welcome E-mail messages as a way to address any concerns or questions you might have.
COURSE OUTLINE AND SCHEDULE OF ASSIGNMENTS

I. INTRODUCTION: LAW, POLITICS, AND SOCIETY

WEEK #1:

A. Definitions; Concepts; Themes; Overview

Monday, June 5th: ONLINE

Readings and Assignments:

* Read this Syllabus carefully.
* **Introduction and Reflective Statement (200-400 words).** Please go Blackboard and introduce yourself to me and to your classmates. If possible, please upload a thumbnail photo of yourself to go with your profile (click on the little arrow next to your name). I have provided some questions to guide your response. This exercise is worth 5% of your final grade.

* Kafka, Parable, “Before the Law” (2 pages) [Parable also appears in Powerpoint Slides]
* John Bonsignore, et al., Before the Law, 1-3
  ----Introduction;
  ----“Law in Theory and Practice”
* Read Powerpoint Presentation for Unit #1

Tuesday, June 6th: IN PERSON

B. Legal Reasoning, Lawmaking, Precedent and Judicial Discretion

Readings:  
  ----The North Carolina wife battering cases  
    State v. Pendergrass (1837) (p. 6-9)  
    Joyner v. Joyner (1862) (p. 9-10)  
    State v. Black (1864) (p. 11)  
    State v. Rhodes (1868) (p. 12-14)  
    State v. Mabrey (1870) (14-15)  
    State v. Oliver (1874) (p. 17-18)  
  ----Karl Llewellyn, excerpts from The Bramble Bush (p. 5-6) (p. 15-17)

Paper Assignment Handed Out in Class; Due by Email Monday, June 12th, by 7 PM
Wednesday, June 7th: ONLINE

II. THE LEGAL PROFESSION AND THE ADVERSARY SYSTEM

Readings and Assignments:

* Bonsignore, Chapt. 12, "The Education of Lawyers," pp. 343-351
  ----John J. Bonsignore, "Law School: Caught in the Paradigmatic Squeeze"
* Bonsignore, Chapter 13, "Lawyers and the Adversary Process," pp. 367-380
  ----Charles P. Curtis, "The Ethics of Advocacy"
* Harry Subin, "The Right to Present a False Case"
* Philip Caputo, "In Death's Grey Land"

Videotaped Presentation Available on YouTube; View With Powerpoint

III. FEMINISM AND THE LAW

A. Sexual Violence

Thursday, June 8th: IN PERSON

Readings:

* Susan Estrich, Real Rape (1987), Chapters 1, 2, 4, and 6.

First Blog Assignment: Click on "Blogs." Blog # 1: "Find the Thesis." Posted to Blackboard; Individual student responses must be posted to Blackboard by 5 pm on Tuesday, June 13th.

WEEK # 2:

Monday, June 12th: ONLINE

Work on Paper Assignment and First Blog Assignment
Tuesday, June 13th: IN PERSON

Readings: * Title VII of the Civil Rights Act of 1964 (excerpts)
* Bonsignore, et al., pp. 185-213
  ----Introduction
  ----Harris v. Forklift Systems, Inc. (1993)
  ----Crenshaw, “Demarginalizing the Intersection of Race and Sex”

IV. POLICE, CITIZENS AND THE FOURTH AMENDMENT

Wednesday, June 14th: ONLINE

Assignment:

* The Non-indictment Cases and Black Lives Matter, Readings TBA


Thursday, June 14th: IN PERSON

Readings: * Bonsignore, et al., Chapter 10, pp. 278-300
  ----Campbell, “Walking the Beat Alone, An African-American…Perspective”
  ----Terry v. State of Ohio (1968)
  ----Commonwealth of Pennsylvania v. Mimms (1977)
  ----Brown v. Texas (1979)

WEEK # 3:

Monday, June 19th: ONLINE

Complete Blog Assignment on Police Accountability
Tuesday, June 20th: IN PERSON

Police Accountability continued:

  ----Chapter 4, "Race, Law and Suspicion: Using Color as a Proxy for Dangerousness"

V. THE JURY: THE BEST AND WORST OF DEMOCRACY

A. The Jury in Cultural and Political Context; Jury Selection, Representation, and Discrimination

Readings:  
* Bonsignore, et al., pp. 434-438; 453-459  
  ----Introduction  
  ----Kenneth Karst, "Belonging to America"  
  ----Stephen Arons, "Peremptory Challenges and Affirmative Action"  

Wednesday, June 21st: ONLINE

* Listen to the following Podcasts at "Life of the Law" on Jury Nullification:  
  http://www.lifeofthelaw.org/2012/09/the-secret-power-of-jury-nullification/  
  (12 minutes)  
  http://www.lifeofthelaw.org/2014/06/jury-nullification/  
  (14 minutes)  

* Complete Discussion Board Assignment on Podcasts, click on "Discussions Tab."  
  Two posts due by 5 pm on Thursday, June 22nd.

Thursday, June 21st: IN PERSON

* Film: 12 Angry Men.

* Discussion and Discussion Board Assignment

B. The Jury as Conscience: Jury Nullification and Civil Disobedience

WEEK #4:

Monday, June 25th: ONLINE

* Complete Discussion Board Assignment on 12 Angry Men
Tuesday, June 26th: IN PERSON

Readings and Assignments:

* Bonsignore, et al., pp. 251-55; 421-435
  ----Martin Luther King, Jr., “Excerpt from ‘Letter from Birmingham Jail’”
  ----Schefflin, “Jury Nullification--The Right to Say No”
  ----Schefflin and Van Dyke, “Merciful Juries: The Resilience of Jury Nullification”
  ----Jury Instructions
  ----United States v. Dougherty et al. (US Ct. of App., 1972)

* Bonsignore, et al., pp. 34-39
  ----Queen v. Dudley and Stephens (Queens Bench, 1884)

* Film: The Camden 28

* Pizza and Salad Dinner

Wednesday, June 27th: ONLINE

No readings or assignments; review for final exam

Thursday, June 27th: ONLINE

FINAL EXAMINATION, 6 to 9 PM.

END OF SYLLABUS