Political Science 217: Law, Politics and Society

Spring 2013
Mondays & Wednesdays 4:30 – 5:45 pm
Ingraham Room 19

Instructor: Carlton Henson
Office Hours: Wednesdays, 2:15 pm – 4:15 pm in Crossroads Cafe
(main level of the Education Building) and by appointment
Email: chenson@wisc.edu

TAs:  Dacil Keo (dqkeo@wisc.edu)
Camilla Reuterswaerd (reuterswaerd@wisc.edu)

Course Description:

This class is an introduction to the legal process by examining how law intersects with politics and society. The course has three broad and overlapping sections. First, we will begin with theoretical concepts of law and justice. Next, we will review the development and structure of legal institutions in the U.S. Finally, using pending and recent cases from the Supreme Court, we will look at particular issues in law and the connection between law and social change.

Motivating questions:

What is the relationship between law and justice?
What are the extent and limits of individual rights? Who should decide these questions?
Can/should courts and law bring about social change?

Exams:

• There will be two midterm exams (each worth 20% of your final grade) which will consist of identification and essay questions. The dates of these exams are Monday, March 4 and Wednesday, April 10. The exams will be cumulative and will cover all course material to date.

• The final exam, worth 35% of your final grade, will be held Thursday, May 16, 7:25 pm – 9:25 pm (room TBD). The final exam is cumulative: it will cover all course material.
• The midterm and final exams will consist of 6-10 short answer questions and 3-4 longer essay questions.

• There will be roughly 6-8 random short quizzes at the beginning of class to test your reading comprehension of the materials assigned for that class, the material covered in the previous class, and current legal events. The lowest two scores from these quizzes will be dropped, and your combined scores will count 5% of your final grade. If you miss more than 2 of these quizzes due to excused absences, please come talk to me.

Readings:

The required readings for each class are listed below. The required textbooks for the class are:


The books are due to arrive in the University Bookstore the week of January 28. The Walsh and Hemmings book was used in this course last semester. The Sandel and Bowen books are widely available used.

The additional required readings (mostly articles and book chapters) are posted on the course’s webpage at https://learnuw.wisc.edu.

Finally, you are required to briefly read the *front page* of the New York Times every weekday for articles related to law and the legal process. “Front page” means those articles on the front page of the daily printed edition, which is also shown online under “Today’s Paper”:


The Times is available to UW students for $3.00 per week for M-F delivery and complete online access: https://myaccount.nytimes.com/verification/education or email to - paper@tds.com

Class Participation:

Participation in class and section are important parts of this course. Speaking to and in front of others is a critical skill. If you decide you do not want to speak in front of others, then you are deciding that you will never want a leadership or
This class is a low risk forum for practicing and improving this skill.

The class participation grade (20% total) includes 15% for participation in section, and 5% for participation in class. Your TA determines section participation. There are 3 possible scores for in class participation: 0% if you say nothing during the semester; 3% if you participate at all; and 5% if you participate moderately or more.

Grading (all grades are curved):

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<tr>
<th>Component</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Class &amp; Section Participation</td>
<td>20%</td>
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<tr>
<td>Random quizzes</td>
<td>5%</td>
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<tr>
<td>Midterm Exam 1</td>
<td>20%</td>
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<tr>
<td>Midterm Exam 2</td>
<td>20%</td>
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<tr>
<td>Final Exam</td>
<td>35%</td>
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A few important notes:

- I do not take attendance, and you do not need to notify me if you will miss a class because of illness or unavoidable schedule conflict. If you miss more than 2 random quizzes because of illness or other excusable reason, please come talk to me.

- Exam dates are set. Mark your calendars now. **There will be no make-up exams** unless you can provide proper documentation for a genuine emergency or illness. Do not miss an exam and assume that you can make it up.

- Students needing special accommodations to ensure full participation in this course should talk to me during the first two weeks of the semester. You also may contact the McBurney Center regarding questions about campus policies and services.

- As the semester progresses, I may modify the syllabus, and if so, will announce any changes in class. **You are responsible for knowing what happens in class whether you attend or not.**

- **Please put “PS 217” in the subject line of any email** to insure a reasonably prompt response. For emails with this subject reference and received between 8 am and 8 pm, M-F, I will normally respond within 24 hours.
• You must wait 48 hours after an exam has been returned before complaining about your grade. Contact your TA first; I will not respond to any concerns that have not been presented to your TA. You should prepare a 1-2 page memo outlining why you deserve a higher grade, and this must be based on your own work rather than comparison to others. Upon re-evaluation, your grade may go down or up (or remain the same).

• Academic integrity is critical to maintaining fair and knowledge based learning at UW Madison. Academic dishonesty is a serious violation; it undermines the bonds of trust and honesty between members of our academic community, degrades the value of your degree and defrauds those who may eventually depend upon your knowledge and integrity.

Any instance of academic misconduct (i.e. cheating) will be taken seriously. Misconduct will result in notification to the Dean of Students. Please consult http://students.wisc.edu/saja/misconduct/UWS14.html for the details about what constitutes academic misconduct. If you see other students cheating, please tell your TA or me; this is in your interest since all grades in this course are curved.

I take a dim view of cheating and will seek the most severe sanctions against anyone who cheats in this class.

On each exam and paper, you will be required to execute this pledge:

On my honor, I have not cheated on this (paper, exam or quiz).

Course Schedule


2. Monday, January 28: Thinking about Thinking and the Problem of “Science” in Legal Studies

Ritchhart and Perkins, “Learning to Think: The Challenges of Teaching Thinking,” (pp. 775-788 only), (from The Cambridge Handbook of Thinking and Reasoning, Cambridge University Press, 2005)

Barry, “Steps to Disarm (Get Gift Card) at Ohio Church,” N.Y. Times, Jan. 18, 2013


Sandel – Chapter 2 (pp 31-57)
   Sandel – Chapter 6 (pp 140-167)

   LJS Chapter 1 - All

   Fuller, “Eight Ways to Fail to Make Law,” (from Morality of Law, 1964)

6:00 pm - Bonus lecture (optional): Is Law School for Me? (Probably Not)

7. Wednesday, February 13: The Relationship of Justice & Law
   LJS Chapter 2 – All

   Miracle in Philadelphia – Author’s Preface & Chapters 1 – 4 (pp 1- 54)

9. Wednesday, February 20: Constitutional Structure – Compromises
   Miracle in Philadelphia – Chapters 8, 9, 10, 15 & 16 (pp. 91-128; 185-205)
   (optional -Federalist Papers Nos. 1, 10, 51 & 78)

10. Monday, February 25: Making Law
    LJS Chapter 3 - All

11. Wednesday, February 27: Judicial Review
Chemerinsky (2009), excerpts from *Marbury v Madison* (pp. 1-10), from *Constitutional Law, 3d Edition*, Aspen Publishing

12. Monday, March 4:  *FIRST MIDTERM*

13. Wednesday, March 6: Federal and State Courts
   
   *LJS* – Chapter 4

   
   *LJS* – Chapter 5

15. Wednesday, March 13: Criminal Procedure
   
   *LJS* – Chapter 6
   
   Scotusblog: “Dog-Sniffing Cases Made Simple”
   
   Scotusblog: “The Court Takes on DNA Screening”

16. Monday, March 18: Civil and Administrative Law
   
   *LJS* – Chapter 7

17. Wednesday, March 20: Juvenile Justice
   
   *LJS* – Chapter 8

18. Monday, April 1: Law and Social Control
   
   *LJS* – Chapter 9

19. Wednesday, April 3: The Limits of Social Control
   
   *LJS* – Chapter 10

20. Monday, April 8: Law and Social Change
   
   *LJS* – Chapter 11

21. Wednesday, April 10:  *SECOND MIDTERM*
22. Monday, April 15: Women and the Law

LJS – Chapter 12

23. Wednesday, April 17: Racial Minorities and the Law

LJS – Chapter 13


24. Monday, April 22: Wednesday, May 8: Law in Foreign Lands

LJS – Chapter 14

25. Wednesday, April 24: Affirmative Action & Racial Preferences

Sandel Chapter 7, pp. 167 – 183


Fisher v. University of Texas oral argument (October 10, 2012):


Optional – Petition for Certiorari in Fisher v. University of Texas


26. Monday, April 29: Sec. 5 of the Voting Rights Act of 1965

(On November 9, 2012 the Supreme Court granted cert. in Shelby v. Holder. Oral argument is set for February 27, 2013).

Scotusblog: Voting Rights Cases Made Simple

Petition for Certiorari in Shelby v Holder

Optional - Briefing Report on VRA Sec. 5, April 2006 (esp. pp. 1-20)

27. Wednesday, May 1: Same-Sex Marriage

Scotusblog: Symposium on Same-Sex Marriage (excerpts)

Sandel, pp. 253-260
28. Monday, May 6: Campaign Financing & *Citizens United*

Big Sky, Big Money - Frontline/ PBS October 30, 2012

http://video.pbs.org/video/2298009584

29. Wednesday, May 8: The Law of Drones

Readings TBD

(*Likely to be briefs and coverage of N.Y. Times v. Holder as that case develops during the semester*).

**Final Exam is Thursday, May 16: 7:25 pm – 9:25 pm (location TBD)**