



POLS 3933-101: Law and Politics

Prothro-Yeager College of Humanities and Social Sciences
Monday/Wednesday/Friday 11-11:50 AM
PY 209
Fall 2024

Contact Information

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Office Hours: Tuesday 12-2 PM, Wednesday, 2-3 PM, and Thursday 12-2 PM

Course Description and Learning Objectives

What is the nature of law and how does it relate to the political system, as well as everyday life? These are a few of the key questions we will think about throughout this term. POLS 3933 is designed to give students an introduction to the relationship between law and politics and the working of the judicial system. Although we will touch on other legal systems from time to time, the focus of the course will be conducted in the American political and legal context.

We have only a short time together, one semester, so we cannot possibly cover every topic, but we will investigate those key questions of the course through examining the specific issues like the relationship between law and justice, the key actors and the institutions in the American legal system. We will look at how actors and institutions shape the legal system, as well think about the perception of law and politics from society as a whole and how societal forces affect the law. The course also explores the ways in which social forces and political pressures influence the outcome of debates in the legal system. This course will be challenging and critical thinking about the relationship between law and politics will be part of everything that we do. We have several reading and lectures. Some readings are more difficult than others, so please be sure to devote enough time to it.

The syllabus provides a general plan for the course; changes may be necessary.

Required Texts:

- Nicole Gonzalez Van Cleve. *Crook County: Racism and Injustice in America's Largest Criminal Court*. Stanford, California: Stanford University Press, 2016.
- Additional Readings on D2L

Grades:

Breakdown of Grades:

Grade Category	Grade Percentage
Exam 1	10%
Exam 2	15%
Reading Reflections and Activities	15%
In-Class Essay	10%
Term Paper	15%
Presentation	10%
Course Participation	10%
Final Exam	15%
Total	100%

Grading:

On each exam and for the final grade, points will be assigned according to the following scale:

Letter Grade	Numerical Grade
A	90-100
B	80-89
C	70-79
D	60-69
F	0-59

Course Engagement Grading:

Engagement Grade	Unexcused Absences/Non-Engagement Days
95	1
90	2
85	3
80	4
75	5

Engagement Grade	Unexcused Absences/Non-Engagement Days
70	6
60	7
50	8
40	9
0	10+

Content and Trigger Warning:

Material for this class may be triggering due to discussions of violence, sexual violence and other topics. Students should know that by taking this class, you will be reading and discussing this material.

Class Policies:

Attendance and Engagement:

Absences:

Class attendance is important. Students who do not attend class often have difficulty with the course and receive lower grades. Attendance will be taken at each class meeting and will be noted in Attendance and Engagement. **Students missing more than 9 course periods may be dropped from the course without notice.** Excused absences will be those as follows: illness, death in the family, legal proceedings occurring during class period, university-approved absence such as travel as member of a MSU sports team, or emergency situation as determined by me. To excuse an absence, I must be notified in advance of the class meeting.

Engagement:

Engagement during class is as important as attendance. Students are expected to engage in the class and be fully present with their engagement. Students observed using mobile phones, reading non-class materials, or otherwise not fully engaged in class, will not receive engagement credit for that class period. Distracting behavior will also constitute non-engagement for the class period. This syllabus serves as the notice of the above policies; students will receive no further alert if engagement points are not earned during a class meeting.

Lateness:

I will take attendance at each class meeting. Students arriving after the role has been called will not be counted as on-time and will be marked as tardy; this means approximately more than 5 minutes late. **Two tardies will be the equivalent to one absence.** Students arriving more than 15 minutes late to class either in-person or online will be counted as absent for that class meeting. Students who leave early without an excuse that meets the excused absence criteria for this

course may be marked tardy or absent, depending upon how much time remains in the course meeting.

Leaving Class/Disruptions:

Students are expected to be present for the entire class period. Excessively leaving the classroom during the class period is defined in this syllabus as more than 2 times during one class period or leaving 1 time for more than 10 minutes in one class period. **Excessive trips outside of the classroom during a class period will be the equivalent to 1 absence.** This is a form of disruptive behavior. If a student requires an accommodation to this rule (e.g. due to illness or medical condition), please let me know in advance.

Disruptive Behavior:

Furthermore, disruptive behavior, including but not limited to raising one's voice to the instructor or classmates, threatening the instructor or classmates, recording the instructor or classmates without permission, sharing screenshots or videos of course material or student work on other platforms, slurs and insults directed at the instructor or classmates, or other behavior that disrupts the course will not be tolerated. **This syllabus serves as the warning** that disruptive behavior will not be tolerated. Students committing disruptive behavior will be removed from the course.

Safe Zone Statement:

This classroom is to be a place where students will be treated with respect. We will work together to create an inclusive space that respects equality and diversity in terms of gender, race, ethnicity, national origin, religious affiliation, sexual orientation, gender identity, gender expression, political beliefs, culture, age, or ability. Additionally, diversity of thought is appreciated and encouraged, provided you can agree to disagree. It is the expectation that ALL students consider the classroom a safe environment. Harassment, sexual misconduct, violence, bullying, and disruptive behavior will not be tolerated will result in removal from the classroom and reporting to the appropriate university authority. This syllabus is your warning.

D2L:

This course will use D2L through MSU Texas as the online platform. All course material, including assigned textbooks, will be available in D2L.

Web Browser for D2L and D2L Help:

- D2L is the learning management system for MSU. It can be accessed through the [MSU Homepage](#).
- The preferred web browser for D2L is Google Chrome.
- Problems using D2L should be directed to the D2L Help Desk. It is open 7 days a week from 8 AM-10 PM.

Assignments and Late Work:

No late work accepted, except unforeseen, limited circumstances such as a medical emergency requiring hospitalization for which documentation is provided. All other assignments not submitted by the due date will receive the mark of zero.

Grades and Communication:**Grading Policy:**

Grades will be determined in accordance with the information on grading in this syllabus. Although grades will post in the D2L gradebook, the weight of assignments may not always be reflected in the D2L gradebook. I will calculate the final course grade using grade breakdown provided in this syllabus. Students are welcome to calculate their grades at any time and to use D2L to see their progress. However, I will not calculate individual grades for students during the course term, nor will I calculate hypothetical grading scenarios for individual students. In other words, please do not ask me what grade you will need to receive on a particular exam or assignment in order to earn a particular final grade. With the information provided in D2L and the syllabus, you are welcome to calculate different scenarios on your own.

Communication:

The best way to reach me is to contact me is to visit me during my office hours or via email (not via D2L email). My email address is listed on the first page of the syllabus. Most of the time, I will respond within Monday-Friday business and within 24 hours during the week. On weekends, I may not be checking email as often, so please be aware that I may not respond until Monday. If you email me, please wait a day before sending the same email again or a follow-up email. In other words, please do not send a follow-up email within minutes of the first email if you have not yet received a response. While quick, email is not an instant communication.

When emailing me, please include the following:

- Your name (first and last): Students' names do not always appear with your email address. So, without your name in the email, I may not be able to tell from whom the email was sent.
- Your course number: I have more than one class, so it helps to know to which class you are referring.
- A specific question: If you have a question or are having difficulty with a particular concept, I am happy to help. However, please have a specific request. For example, "I don't understand federalism" or "what should I take away from chapter 2" are really too general. Try to come up with a specific request when you are having difficulty.

Quizzes and Exams:**Exams:**

Exams will be given in person during class time. Now materials including notes, books, websites, slides, text messages, apps, etc., may be used during the exam. Any use of outside materials or

collaboration with another during the exam will result in a 0 on the exam. The academic dishonesty policy will apply.

Make-Up Exams

A make-up exam will only be given if the following criteria are met: If a student has a course-approved excuse and the instructor is notified ***in writing, prior** to the examination, and the instructor approves the excuse and make up exam, arrangements for a make-up exam will be made. If a student fails to notify the instructor, the student will receive a zero for the exam. ***Unless arrangements have already been made in accordance with this policy, no exam may be administered after the graded exam is returned to the class.**

Missing the Final Exam:

If the final exam is missed and arrangements for a make up exam have not been made in advance, the final exam cannot be made up.

Taking Exams Early:

Only under ***extraordinary circumstances*** can a student take an exam early. Only university-approved excuses, death in the family, or illness with a doctor's note be considered for taking an exam early. Scheduled vacations are not reasons for exam to be given early. The request for an early exam must be made **in writing**. For any reason, no request will be approved to schedule the final exam earlier than one week before its scheduled date.

Extra Credit:

From time to time, extra credit opportunities will be given to the class. Usually, bonus points are available on quizzes or exams. However, ***no individualized extra-credit/bonus assignments will be created for individual students**. No extra credit or bonus points are available after the last day of classes or the final exam.

Academic Dishonesty:

The MSU Honor Creed applies in this course, and students are expected to abide by it. As a reminder, here is the MSU Honor Creed:

As an MSU Student, I pledge not to lie, cheat, steal, or help anyone else do so."

As students at MSU, we recognize that any great society must be composed of empowered, responsible citizens. We also recognize universities play an important role in helping mold these responsible citizens. We believe students themselves play an important part in developing responsible citizenship by maintaining a community where integrity and honorable character are the norm, not the exception.

Thus, We, the Students of Midwestern State University, resolve to uphold the honor of the University by affirming our commitment to complete academic honesty. We resolve

not only to be honest but also to hold our peers accountable for complete honesty in all university matters.

We consider it dishonest to ask for, give, or receive help in examinations or quizzes, to use any unauthorized material in examinations, or to present, as one's own, work or ideas which are not entirely one's own. We recognize that any instructor has the right to expect that all student work is honest, original work. We accept and acknowledge that responsibility for lying, cheating, stealing, plagiarism, and other forms of academic dishonesty fundamentally rests within each individual student.

We expect of ourselves academic integrity, personal professionalism, and ethical character. We appreciate steps taken by University officials to protect the honor of the University against any who would disgrace the MSU student body by violating the spirit of this creed.

Written and adopted by the 2002-2003 MSU Student Senate.

Student work in this course expected to be original to the student and produced only for this course. Here is the reason: the purpose of this class is to help students learn to think critically about government and to be an active and engaged citizens. This means being able to demonstrate understanding of concepts and applying them to current and future political events. Doing that requires students to put in individual work in the course and for me to evaluate student work individually.

To maintain academic honesty in this class, here are the expectations:

- Students may not use the textbook, chapter summaries, notes, PowerPoints, lectures, or any online material during quizzes and exams.
- Students may not use electronic devices, such as cell phones, or listen to electronic devices (ie wearing headphones) during a quiz or exam; use of electronic devices during an exam will result in the quiz/exam paper being taken up and receiving a 0.
- Students may not collaborate with each other during quizzes or exams. Students looking at another's quiz or exam will have their quiz/exam paper taken up and receive a 0.
- Students may not collaborate to create substantially similar responses to writing assignments.
- In addition, students may not copy the textbook or websites, such as Wikipedia pages, for written response questions.
- Students may not memorize and write in-class response questions material copied or substantially copied from textbook materials or webpages.
- Each written assignment or written response is expected to be in your own words. Submitted work that replicates the textbook or a webpage will be considered academic dishonesty.
- In addition, students may not submit work from previous courses.
- AI tools, such as Chat GDP, may not be used to create assignments.

- AI Detection Detectors, such as Turnitin, will be used in this course.

In other words, all submitted work is expected to be fully your own thoughts and words and created for this course during this semester.

University Policies

Important Dates

- August 29: Final day for schedule changes
- September 9: Course Payment Deadline (to avoid voided enrollment)
- November 24 at 4 PM: Deadline to drop a course with a W

Services for Students with Disabilities:

In accordance with Section 504 of the Federal Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, Midwestern State University endeavors to make reasonable accommodations to ensure equal opportunity for qualified persons with disabilities to participate in all educational, social, and recreational programs and activities. After notification of acceptance, students requiring accommodations should make application for such assistance through Disability Support Services, located in the Clark Student Center, Room 168, (940) 397-4140. Current documentation of a disability will be required in order to provide appropriate services, and each request will be individually reviewed. For more details, please go to [Disability Support Services](#).

MSU Campus Carry Statement:

Senate Bill 11 passed by the 84th Texas Legislature allows licensed handgun holders to carry concealed handguns on campus, effective August 1, 2016. Areas excluded from concealed carry are appropriately marked, in accordance with state law. The Constitutional Carry law does not change this process. Concealed carry still requires a License to Carry permit, and openly carrying handguns is not allowed on college campuses. For more information regarding campus carry, please refer to the [MSU Campus Carry Policy](#).

Alcohol and Drug Policy

To comply with the Drug Free Schools and Communities Act of 1989 and subsequent amendments, students and employees of Midwestern State are informed that strictly enforced policies are in place which prohibits the unlawful possession, use or distribution of any illicit drugs, including alcohol, on university property or as part of any university-sponsored activity. Students and employees are also subject to all applicable legal sanctions under local, state and federal law for any offenses involving illicit drugs on University property or at University-sponsored activities.

Active Shooter Policy

The safety and security of our campus is the responsibility of everyone in our community. Each of us has an obligation to be prepared to appropriately respond to threats to our campus, such

as an active aggressor. Please review the information provided by MSU Police Department regarding the options and strategies we can all use to stay safe during difficult situations. For more information, visit [MSUReady – Active Shooter](#). Students are encouraged to watch the video entitled “*Run. Hide. Fight.*” which may be electronically accessed via the University police department’s webpage: [“Run. Hide. Fight.”](#)

Inclement Weather Policy

If inclement weather closes the university during our class meeting time, there will be no class (in-person or online) that day. If a quiz or exam is scheduled for that class meeting, we will move it to the next class meeting.

Class Schedule:

The following is a tentative outline of the semester. Students will be notified of any changes.

Defining Law

Unit 1: Law versus Justice

Week 1

Monday, August 26: Introduction to Course

Wednesday, August 28

The Godfather and the logic of the triad

Friday, August 30: No Class

Work on term paper proposals

Week 2

Monday, September 2: Labor Day – No Class

Wednesday, September 4:

The Queen v. Dudley and Stephens, L.R. 14 Q.B.D. 273 (1884).

Friday, September 6:

Williams v. Walker-Thomas Furniture Company, 350 F. 2d 445 (1965).

Week 3

Monday, September 9

Schools of Law

Term Paper Proposals Due

Unit 2: Perceptions of Law

Wednesday, September 11 and Friday September 13:

Patricia Ewick and Susan S. Silbey. *The Common Place of Law: Stories from Everyday Life*, Part 1.

Legal Actors and Institutions

Unit 3: The Legal Profession: Legal Education and Socialization

Week 4

Term Paper Meetings

Monday, September 16:

Duncan Kennedy. "Legal Education as Training for Hierarchy." In D. Kairys (Ed.), *The Politics of Law: A Progressive Critique* (pp. 54-75). New York: Basic Books, third ed., 1998.

Wednesday, September 18:

Patricia J. Williams. "Diary of a Law Professor". In J. Bonsignore et al. (Eds.) *Before the Law: An Introduction to the Legal Process*. Boston: Houghton-Mifflin, 2006: 361-367.

Friday, September 20:

Legal Education continued.

Unit 4: Legal Ethics

Week 5

Monday, September 23 and Wednesday, September 27:

Introduction to Legal Ethics

Friday, September 27:

"The Buried Bodies Case." *RadioLab*. New York: WNYC Radio. 3 June 2016.

Week 6

Monday, September 30 and Wednesday, October 2:

Nix v. Whiteside, 475 U.S. 157 (1986).

Friday, October 4: Exam 1

Unit 5: The Legal Profession: Representation

Week 7:

Monday, October 7

Gideon v. Wainwright, 372 US 335 (1963)

Wednesday, October 9:

James Mills. "I Have Nothing to Do with Justice." *Before the Law: An Introduction to the Legal Process*. Boston: Houghton-Mifflin, 2006:381-394.

Friday, October 11:

David Zax. "If You Cannot Afford an Attorney, Some Random Dude Will Be Appointed to You." Act One. Episode 595: Deep End of the Pool. *This American Life*. 26 August 2016.

Week 8:

2nd Term Paper Meeting

Monday, October 14:

Marc Galanter, "Why the 'Haves' Come out Ahead: Speculations on the Limits of Legal Change".
In R. Cover and O. Fiss. *The Structure of Procedure*. Foundation Press, 1979: 199-211.

Unit 6: Studying the Criminal Court and Its Actors

Wednesday, October 16:

Crook County, Introduction

Friday, Friday, October 18:

Crook County, Chapter 1

Week 9

Monday, October 21:

Crook County, Chapter 2-3

Wednesday, October 23:

Crook County, Chapters 4-5

Friday, October 25:

Crook County Discussion

Unit 7: Legal Enforcement

Week 10

Monday, October 28: *Crook County* In-Class Essay

Wednesday, October 30:

Introduction to Legal Enforcement

Friday, November 1:

Herbert Packer (1988). Two Models of the Criminal Process. In George F. Cole (Ed.), *Criminal Justice: Law and Politics* (pp. 15-31). Pacific Grove, California: Brooks/Cole Publishing.

Week 11

Monday, November 4:

Rochin v. California, 342 U.S. 165 (1952).

Stafford Unified School District v. Redding, 2009.

Tuesday, November 5: US Election Day

Wednesday, November 6:

Jennifer Musto. "Domestic Minor Sex Trafficking and the Detention-to-Protection Pipeline." *Dialectical Anthropology*, 37.2 (2013): 257-276.

Friday, November 8: Exam 2

Unit 8: Judges and Judicial Selection

Week 12

Monday, November 11:

Lee Epstein, Jack C. Knight, and Olga Shvetsova. "Comparing Judicial Selection Systems." *William and Mary Bill of Rights Journal* 10.1 (2001): 7-36.

Wednesday, November 13:

Robert A. Dahl. "Decision-Making in a Democracy: The Supreme Court as a National Policy-Maker," *Journal of Public Law* 6, 1957: 279-295.

Friday, November 15:

Dmitry Bam. "Voter Ignorance and Judicial Elections." *Kentucky Law Journal* 102.3 (2013): 533-599).

Shauna Reilly and Carol Walker. "State Judicial Elections' Impact on Participation in Direct Democracy," *The Justice System Journal* 31.2 (2010): 225-241.

Lizzie Presser. "When Medical Debt Collectors Decide Who Gets Arrested." *ProPublica*, October 16, 2019.

Unit 9: Juries

Week 13

Monday, November 18:

Jeffrey Abramson, "The Unanimous Verdict" In J. Bonsignore et al. (Eds.) *Before the Law: An Introduction to the Legal Process*. Boston: Houghton-Mifflin, 2006: 488-491.

Wednesday, November 20:

Batson v. Kentucky, 476 U.S. 79 (1986).

Foster v. Chatman (2016).

Friday, November 22:

Valerie P. Hans. "Trial by Jury: Story of a Legal Transplant" *Law & Society Review*, 51.3 (2017): 471-499.

Out of class Assignment: Watch *12 Angry Men*, 1957

Unit 10: Term Paper Presentations

Week 14

Monday, November 25: Presentations

Thanksgiving Break – No Class

Week 15

Monday, December 2: Presentations

Wednesday, December 4: Presentations

Friday, December 6: Presentations

Final Exam

Monday, December 9: 1:00 PM – 1:00 PM in PY 209