

Political Science
Y200/Y401 Political Crimes and Trials

Fall 2004

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Office Hours: TR – 8:30-9:00 a.m.
12:00-1:00 p.m.
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Course Description

This course examines the concept of political trials—what are they and whether they are purely weapons of political power or whether they contribute positively to democratic societies. Moreover, it explores how political trials engage societies' conflicting values and loyalties and reflect the political and social issues of the times. The questions raised by political trials transcend both the discipline of political science and the American political system. Accordingly, this class will examine numerous trials throughout history and in various countries and, where appropriate, also focus on the historical, cultural, economic, and psychological contexts of the trials.

Course Objectives

Students who diligently pursue the work of this course will be better able to:

- a) have a coherent understanding of the concept of a political trial;
- b) recognize the fundamental issues that political trials raise;
- c) recognize the interrelationships among law, government, and politics;
- d) be able to synthesize discrete information into a coherent whole;
- e) distinguish among fact, interpretation based on fact, and opinion;
- f) articulate and defend, with appropriate evidence, their views, ideas, and opinions.

This course fulfills the General Education Requirements for Area Six: Advanced Study (for students enrolled in Y401 only).

Evaluation of Student Performance

This course meets twice a week for lectures and discussions. Evaluation of student performance in meeting the course objectives will be derived from a series of analytical or critical essays on related course topics. The essays will require more than simply writing down factual information. Rather, the essays will require application and evaluation of information gleaned from both class discussion and

readings. The essay assignments may differ either in form or number for students enrolled in Y401 from the essay assignments for students enrolled in Y200. In addition, students enrolled in Y401 are required to write a 15-20 page research paper on a political trial. Research paper topics must be selected in consultation with the instructor. A separate handout concerning the research paper will be distributed in class at a later date.

Course grades will be calculated based on the differing requirements for Y200 and Y401 students. For students enrolled in Y200, the first two sets of essays will count as follows: the set with the lower overall grade will count 30% of the course grade and the other set will count 35% of the course grade. The final set of essays will count 35% of the course grade. For students enrolled in Y401, the first two sets of essays will count as follows: the set with the lower overall score will count 20% of the course grade and the other set will count 25% of the course grade. The final set of essays will count 30% of the course grade, and the research paper will count 25% of the course grade. (The research paper must be completed and turned in on time in order to pass the course.) Finally, in assessing final grades, especially in close cases, class attendance, participation, and performance will be considered. Please bear in mind some individuals are more comfortable speaking in class than others. This is to be expected, and, therefore, a few well-placed comments are just as valuable as general talkativeness. Participation accounts for quality as well as quantity of responses. However, consistent failure to attend or consistent unwillingness to respond meaningfully (in other words, response based on having read the assignments) may result in a failing grade.

Course Policies

Students are expected to complete the essays on their respective due dates. Consequently, it is the general policy of this course **not** to allow extensions or makeups. Exceptions to the policy will be made only under appropriate and unusual circumstances. Only one extension or makeup will be given to any student, and the makeup essays may be different in format. In order to be considered for an extension or makeup, a student must **directly contact** the instructor **prior** to the due date. It is also the student's responsibility to follow up with the instructor on any arrangements concerning an extension or makeup.

Students are expected **to read all assigned material prior to discussion of the material in class and be prepared to discuss these readings in class**. The instructor may play devil's advocate to stimulate discussion. Because we will be discussing controversial material, it is imperative that everyone be respectful of one another and one another's views, no matter how much one disagrees. Disruptive behavior will not be tolerated. (This includes communications devices—cell phones, pagers, beepers, etc.)

Class attendance is strongly recommended since the essay will be based on lectures, class discussions, and assigned readings. Class participation cannot be made up. If you miss a class, contact someone who has attended. Announcements pertinent to the course will frequently be made in class and students will be held responsible for knowing these announcements. Both **reading assignments and essay assignments and due dates will be announced in class in order to ensure flexibility for maximum student learning**. Reading assignments and/or course requirements and evaluation of student performance may be altered during the course of the semester. Students are also expected to keep up with current events, especially those legally related.

Cheating, plagiarism, or even facilitating academic dishonesty are serious offenses that may lead to failure on an assignment, failure for a course, or, in serious cases, suspension or expulsion from the university. Collaborative work on papers is considered cheating. You may study together, discuss paper topics together, but do your own thinking. **Significant duplication or near duplication** can constitute cheating. (See IPFW Code of Student Rights, Responsibilities, and Conduct) Finally, taping of classes is generally not permitted.

If you have or acquire a disability and would like to find out what special services and accommodations

may be available to you, contact Services for Students with Disabilities in WU 113 (481-6657, voice/TTY).

Required Books:

Christenson, R., *Political Trials: Gordian Knots in the Law*, 2nd ed.

Fisher, L., *Nazi Saboteurs on Trial: A Military Tribunal and American Law*

Other required readings will be given to you in the form of handouts or placed on reserve in the library.

TBA means additional readings to be announced later in class.

Course Outline:

- I. Introduction
 - A. Political Crimes and Trials: What are they?
 - B. Theories and Classifications of Political Trials
Required Readings (RR): Belknap, M., *American Political Trials*, pp. 3-19
Political Trials: Gordian Knots in the Law (hereafter *Political Trials*), ch. 1
 - C. Functions of Political Trials
RR: *Political Trials*, ch. 2
- II. Military Tribunals
RR: *Nazi Saboteurs on Trial*
Rumsfeld v. Padilla and *Hamdi v. Rumsfeld*
At www.supremecourtus.gov or
www.findlaw.com/casecodes/supreme.html
or <http://supct.law.cornell.edu/supct/>
- III. The Trial of Socrates
RR: Plato, "Apology"
Hansen, M. H., *The Athenian Democracy in the Age of Demosthenes*, pp. 178-196 and 203-205
- IV. Trials of Dissent
RR: *Political Trials*, ch. 5
- V. The Trial of the Chicago Seven
RR: Becker, T.L., ed., *Political Trials*, pp. 134-180
- VI. Trials of Nationalists
RR: *Political Trials*, chs. 7 and 8
- VII. The Trial of Nelson Mandela
RR: TBA

- VIII. The Trial of Le Roi Jones
RR: Becker, T. L., ed., *Political Trials*, pp. 227-247.
- IX. Trials of Corruption and Insanity
RR: *Political Trials*, ch. 4
- X. The Impeachments of Samuel Chase and Bill Clinton
RR: Belknap, M., *American Political Trials*, pp. 57-78
Van Tassel, E. F., *Impeachable Offenses: A Documentary History from 1787 to the Present*, pp. 267-308.
- XI. The Trial of Jimmy Hoffa
RR: Becker, T. L., *Political Trials*, pp. 204-224
- XII. The Trial of Martha Stewart
RR: www.courttv.com/trials/stewart
- XIII. Trials of Regimes
- A. Trials of Revolution
RR: *Political Trials*, ch. 9, pp. 255-270
- B. War Crimes Trials
RR: *Political Trials*, ch. 9, pp. 270-271
1. Nuremberg
RR: Bass, G. J., *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals*, ch. 5
Dickler, G., *On Trial*, pp. 323-374
2. The Court Martial of Lieutenant Calley
RR: Rubenstein, R., ed., *Great Courtroom Battles*, pp. 281-305
Belknap, M., *The Vietnam War on Trial: The My Lai Massacre and The Court-Martial of Lieutenant Calley*, chs. 10 and 11
- XIV. Political Crimes and Trials – Final Observations
RR: *Political Trials*, ch. 10