Law and Public Policy

Political Science
Professor Cosby
Spring Semester 2009
Office hours by appointment

Course Description

This course examines an important question: Do court rulings effect significant change in public policy? We examine this question by investigating U.S. Supreme Court holdings and lower court treatment of policy issues in the following areas: abortion; access to justice; race, sexual orientation and gender discrimination; affirmative action and the death penalty.

This course will examine the impact that judicial decisions have on public policy. The class will review major constitutional cases and cases of local import ruled upon by the court. Discussion will center on whether the Court’s treatment of important civil constitutional issues have any impact on the development of public policy in the United States.


Reading

Readings will be assigned on a weekly basis. The course is designed to integrate a variety of authorities from different backgrounds to develop a through discussion of the topical material. Read the text in the order it is presented and/or assigned on the syllabus as this is how we will proceed.

Meetings, Examinations, Papers, Grading

Class meets Tuesday and Thursday from 1:00 to 2:15 p.m. You are expected to attend class and be prepared for discussion at that time. Classes will start in a timely manner and students are not to interrupt class by entering the classroom late. Cell phones are to be turned off.
Examinations

There will be a minimum of four scheduled tests in this course and a final paper (see below). Tests will consist of multiple choice, short answer and essay questions. Tests will be administered only on the day scheduled for them; unless, sufficient reason is presented to deviate from this standard.

Papers

Each student will be assigned a topic to analyze from a public policy perspective. The student will be assigned their topic one week after the class term begins. Students should be prepared by Thursday, January 29, 2009 to defend their positions on topics assigned to them in a point-counterpoint format. The exercise will consist of the assignment a topic to each class participant. The assignment of topics and roles will be decided by a random draw. After the topic is assigned, when that topic is discussed in the classroom the assigned students will argue the question – Does law affect public policy in ______? One student will discuss why it does and the other will discuss why it does not. Each student assigned that topic will have the responsibility of arguing a position based on class discussions and independent research. Depending on the size of the class more than one student may argue points on each side. We will also use clickers for class participation in the discussions.

Each student will also submit a paper on the assigned topic area addressing the same question argued. The paper serves as your final grade. The grade scale for the argument and written work are:

| Written work | 85% |
| Argument | 15% |
| **Total** | **100%** |

Grading

- **The weight of each graded work is as follows:**

| Class Participation | 10% |
| Tests | 60% |
| Argument/Paper | 30% |

| **Total** | **100%** |
### Test Dates

- **February 3** - Test 1
- **March 3** - Test 2
- **March 31** - Test 3
- **April 28** - Test 4
- **Thursday, April 30** - Final Paper at 12:00pm

### Grading Scale

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### Class Participation

Class participation is essential for the success of this class. This is not a lecture class; hence, your contribution to class discussion is vital. You will earn points for class participation. Members of the class will be called upon to discuss class material, relevant statistical data, and the facts of assigned cases, the issues, the Court’s reasoning and/or policy statement and the response of relevant actors. The class will also discuss any other relevant information pertaining to the issues discussed on that day of class. For each day of class participation a point will be entered beside your name. There are 69 class days consisting of approximately sixteen weeks of class. Class participation points will be determined by the percentage of days credited with a participation rank compared to the participation level of the class (100% participation will earn a class member 100% of available points up to 10% toward the final grade, 80% participation will earn 80% of available points and etcetera).

- This syllabus is subject to change upon sufficient notice. It may be augmented with additional assignments at any time.
Topical Schedule by Week

Reading Assignments

I. Does Law affect abortion policy in the United States?

January 13-February 5, 2009

Cannon and Johnson, “Judicial Policies: Implementation and Impact,” Chapters 1, 6 and 7; (Chapters 2, 3 and 4 are read independently); Gerald N. Rosenberg, “The Hollow Hope: Can Courts Bring About Social Change?”—Introduction, Parts 1 and 2 and Chapter 12 of Part 3.

Moodle

➢ Point – Counterpoint topics will be assigned on January 20, 2009.

II. Does law affect discrimination policy in the United States?

  o Race
  o Affirmative Action
  o Gender
  o Sexual orientation

February 10-March 31, 2009

Issues in Social Policy, Selections from the CQ Researcher:
  ➢ Racism and the Black Middle Class
  ➢ Gay Rights
  ➢ Zero Tolerance

Moodle

III. Does law affect access to the courts in the United States?

March 24-March 31, 2009

Moodle

IV. Does law affect death penalty policy in the United States?

April 2-April 28, 2009

Issues in Social Policy, Selections from the CQ Researcher:
  ➢ Death Penalty

Moodle