

POL 285.08 AMERICAN PUBLIC POLICY

(3 credit hours)

Semester: Summer II 2008 (7/8-8/7)
Time: 12:00-1:50
Location: AB1 302
Professor: Dr. John C. Domino
Office: AB1, Room 315 E
Office Hours: 9:30-10:00, MTWTF or by appointment
E-mail: pol_jcd@shsu.edu (best way to communicate with me)

Course Description:

This course begins with a brief introduction to the public policy process, including the political, legal, economic, and social factors that influence that process. The remainder of the course examines the policy made by one actor in the process: the United States Supreme Court. The objective will be to understand the Court's rulings on our constitutional rights and liberties. Prerequisite: Pol 261.

Course Objectives:

The objectives of the course are to examine, understand factual information about, and think critically concerning the following:

1. The definition of public policy and the public policy process.
2. The role of the Supreme Court as one actor in the public policy process.
3. The principle of judicial review: that is, the power of the U.S. Supreme Court to interpret the meaning of the Bill of Rights to the U.S. Constitution.
4. The rulings of the Supreme Court on matters such as freedom of speech, religion, press, due process, privacy, and equal protection; and the impact of these rulings on the government's power to regulate and/or punish the behavior of individuals and protect fundamental social and national interests.

Required Books:

Domino, John. *Civil Rights and Liberties in the 21st Century*, 2/e.

Course Requirements and Policies:

Exams: There will be *two major examinations*. **Each exam will consist of two components: 1. in-class and 2. take home..** The in-class component will consist of multiple choice questions; and the take home part (which you will have at least two days to complete) will be all essays and typed. The take home will be distributed prior to the in class component. Begin reading and outlining the chapters as soon as the term begins.

Make up exams are given at the professor's discretion. If you miss an exam and have a documented legitimate excuse (illness, family emergency, university-related travel.) you may be able to take a makeup exam (all essay); if you don't have a legitimate excuse, then a 0 will be averaged in with your other grades. "Work-related" excuses are **usually not** considered as legitimate.

Grades:

The final grade in the course will be based on the average of FOUR exam components. No extra credit or additional assignments or grading curves are used. No re-grading or dropping of grades for extenuating circumstances or hardships. The following scale will be applied:

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

For status of your grade during the semester please check Blackboard or email me at pol_jcd@shsu.edu

How to do well on exams in this course:

Keep up with reading assignments: Everything you need to know about the reading assignments is on the syllabus. I will rarely make day-to-day reading assignments, so simply use the syllabus to keep up with me in class. Unlike some of your past experiences, I will not cover every bit of information contained in the texts in class. A major requirement of this course is “reading.” So, it is not uncommon for me to take 60% of the exam items on a test from lectures and 40% from a particular chapter of a book. *This strategy is to encourage students to read and think about their reading independently.* Students who adjust to this fact will do very well on the exams. Use your study guides!

Taking Notes: Write down (or record) everything -- not just what I write on the board.

How to study: Reading is not studying. You would not sit through a class and not take notes on what the professor has said. Similarly, reading without taking notes is largely a waste of time. Critically interact with your book: Ask, “what is the author trying to say?” “What are the main points?” “If I were the professor, what kinds of exam questions would I ask?” What to study: concepts, principles, and case outcomes (e.g. what happened in Mapp v. OH).

Attendance:

In accordance with University Policy regular attendance is required.

Academic Dishonesty :

All students are expected to maintain complete honesty and integrity in the academic experiences in and out of the classroom. Copying answers from another student’s exam, collaborating on projects, or using unauthorized notes, “cheat sheets,” or electronic devices during an exam constitutes academic dishonesty and will result in swift disciplinary action by the professor. The professor may give a failing grade to the student for that assignment or exam or the course and report such action to the University and its official representatives who may initiate further disciplinary proceedings against a student who is accused of academic dishonesty.

Disruptive Conduct:

Any rude behavior in the classroom that intentionally or unintentionally disrupts the learning process (including ringing cell phones, notebook computers, IPODs, etc thus, impedes the mission of the university, will be reported to the Dean of Students for disciplinary action in accordance with written university policy. If someone is disturbing you please tell me rather than being cool and suffering in silence. Students will often wait to the last day of class or on the evaluations to proclaim that others were bothering them. Tell them to be quiet, put the phone away, etc. After all you are paying for your education.

Students With Disabilities Policy

It is the policy of Sam Houston State University that individuals otherwise qualified shall not be excluded, solely by reason of their disability, from participation in any academic program of the university. Further, they shall not be denied the benefits of these programs nor shall they be subjected to discrimination. Students with disabilities that might affect their academic performance are expected to visit with the Office of Services for Students with Disabilities located in the Counseling Center . They should then make

arrangements with their individual instructors so that appropriate strategies can be considered and helpful procedures can be developed to ensure that participation and achievement opportunities are not impaired.

SHSU adheres to all applicable federal, state, and local laws, regulations, and guidelines with respect to providing reasonable accommodations for students with disabilities. If you have a disability that may affect adversely your work in this class, then I encourage you to register with the SHSU Counseling Center and to talk with me about how I can best help you. All disclosures of disabilities will be kept strictly confidential.

NOTE: No accommodation can be made until you register with the Counseling Center. Student requests for accommodations must be initiated by the student. A student seeking accommodations should go to the Counseling Center and Services for Students with Disabilities (SSD) in a timely manner.

Religious Holidays

Section 51.911(b) of the Texas Education Code requires that an institution of higher education excuse a student from attending classes or other required activities, including examinations, for the observance of a religious holy day, including travel for that purpose. Section 51.911 (a) (2) defines a religious holy day as: “a holy day observed by a religion whose places of worship are exempt from property taxation under Section 11.20...” A student whose absence is excused under this subsection may not be penalized for that absence and shall be allowed to take an examination or complete an assignment from which the student is excused within a reasonable time after the absence. University policy 861001 provides the procedures to be followed by the student and instructor. A student desiring to absent himself/herself from a scheduled class in order to observe (a) religious holy day(s) shall present to each instructor involved a written statement concerning the religious holy day(s). The instructor will complete a form notifying the student of a reasonable timeframe in which the missed assignments and/or examinations are to be completed.

Visitors in the Classroom

Unannounced visitors to class must present a valid SHSU ID to be permitted in the classroom and should not disrupt the educational process.

Course Outline

Part One: Public Policy: 7/8-7/11

- I. Introduction: Lectures and outlines.
 - What is public policy? What are the “Big Issues” of public policymaking in the United States. Where do “liberals” and “conservatives” fit into this debate?
 - Types of public policy and the actors in the process:
- II. Stages in the policymaking process
- III. The Judiciary and Public Policy
 - A. Balancing the needs of society and the rights of individuals
 - B. The Role and Operation of the United States Supreme Court: Read Domino, chp. 1. This section (B) will be emphasized on exam.

Part Two: Judicial Policy-making: Civil Rights and Liberties

7/14-7/17: I. Freedom of Political Speech: Public policies that restrict political speech and the Supreme Court’s response to those restrictions: Read Domino, chp. 2.

7/18-7/22: II. “Sex, Drugs, and Rock and Roll,” Obscenity Policy in the U.S. - Balancing freedom of expression in art, music, and photography with our community’s interest in decency: Read Domino, chp. 3.

FIRST EXAM: 7/23

7/24- 7/29: III. Equal Protection and Discrimination Policy: Read Domino, chp. 7.

7/30-8/1: IV. Balancing Criminal Justice Policy and Constitutional Rights: Read Domino, chp. 5.

8/4-8/6: V. Privacy Issues: Abortion, Drug Testing, Homosexuality, and the Right to Die: Read Domino, chp. 6.

FINAL EXAM: 8/7

POL 285 **DISCUSSION/STUDY GUIDES:** These questions are intended to guide you through the course and the exams. Answer these questions using the Courts rulings as discussed in the readings and notes. The exams will focus heavily on individual cases (e.g., Miranda v. AZ and Roe v. Wade) and the principles and rules set forth by the Court in those cases. Know the cases. The study guide coincides with the outline on the syllabus.

I. Chapter One

1. What is judicial review? Where did it originate? Why is it important in 21st century America?
2. How (what steps) does the Supreme Court decide a case?
3. What are the limits on the Court's power?
4. Liberals and conservatives are always pointing fingers at each other. Lately, conservatives blame all of the problems in the world including hemorrhoids on "activist" judges. What is an activist versus a restraintist?

5. Why are the Court's opinions important?
6. Does the Supreme Court have the final say in all matters?

II. Chapter Two

1. Look at the political expression cases. How far can political speech go? At which point can the government suppress expression? In other words when can it prosecute us for speaking? Why is the Brandenburg standard important?
2. Imagine you worked for the FBI monitoring the Internet activities of fringe or wacky groups. According to the Court's rulings where would you draw the line between wacky, but protected, speech and speech that constitutes violent action?
3. Do you think that in the post-September 11th world we can learn any lessons from the Red Scare? How so? Use examples from the book.
4. Is it permissible to prosecute someone merely because they belong to a group that is linked to terrorism? What case addresses this question?
5. Should we be asked to say the Pledge or sign statements that we are good Americans who don't do drugs or engage in premarital sex? Your opinion and then the Court's position.
6. Screw you! You ugly Neanderthal! Do we have the right to say such things? *Should* we have the right? Why does the Court protect the right to say and do offensive things?

III. Chapter Three

1. What is obscene? How has the definition changed over the years?
2. Why did the Court forbid the state from making the mere possession of obscene materials a crime?
3. Any photographers in the class? Suppose that you become a nationally-known photographer. You have won awards for your photos of nature, architecture, and sports figures. Now, you have taken photos of naked beautiful people engaged in sex. You, and a local gallery owner, wish to have a show open to the public, but the City of Huntsville shuts down the gallery and brings charges against you. What standard would you use to argue that your photos have First Amendment protection?
4. Have any of you ever called a mid-night hot-talk line? Of course not! How raunchy can phone porn get? How is it regulated?
5. You all know Howard Stern, right? Chris Rock? Well long before those guys was George Carlin (who, strangely enough, eventually went on to narrate Thomas the Tank Engine videos). Any way, can the government ban filthy talk on the radio? What about nasty music lyrics? When? Why or why not?
6. The Court recently ruled that the Internet cannot be restricted. Why not? What is it about the Internet that is different than TV or radio?
7. Pretend that you are explaining to your grandmother why naked dancing is protected speech?

IV. Chapter Four

1. What is the purpose of the free exercise clause?
2. Would it be easy to get a religious exemption from a generally applicable law? In other words, suppose you claimed that your religion forbade you from wearing clothes or paying taxes; or that it commanded you to smoke marijuana and run naked through the streets? What would the Court say about this?
3. What are the instances where the Court granted such an exemption? When has it refused to grant religious exemptions?
4. What is the purpose of the Establishment Clause? What did the framers intend? Why do people from around the world come to the U.S. to study the principle of separation of church and state?
5. I overheard two apparently very religious women talking one day in Starbucks. Emma Lou said, "Why Betty, my kids are not allowed to pray in school anymore!" Angrily crushing cigar out with her boot, she continued, "What the hell do you think of that!" Is Emma Lou correct? Children are not allowed to pray? Is religion banned from school? What has the Court said about this? What's the Court's reasoning underlying its school prayer rulings?
6. Can the state provide public dollars to a small parochial school in order to promote an important state interest, such as health screenings, diagnostic reading tests, or safety?
7. Look up the term evolution. Given your experiences in the public schools do you have any idea what evolution is? Then define creationism/Intelligent Design. Which theory belongs in the public schools? Do they both? Do neither? Should math or chemistry or human sexuality be banned from the schools because they offend a religious sect or denomination? What has the Court said about this issue that won't go away?
8. The Ten Commandments are headed to Court! Eventually, the Court will rule on whether the TCs can be displayed in public places, such as schools and government office buildings. Based on precedent cases, how do you think the Court will rule?

V. Chapter 5

1. Read the two quotations at the beginning of the chapter (Quarles and Blackstone). With whom do you agree? Explain.
2. What is the purpose of the Fourth Amendment and the exclusionary rule? Is the rule a mere "technicality" as detractors contend? Discuss the Court's reasoning on this.
3. What is the purpose of a warrant? Are there exceptions to the warrant requirement? What are they? Have you had any experiences with police searches? Perhaps you shouldn't answer that.
4. Extrapolating from the Court's rulings do we have any rights against police searches on airplanes?
5. Do reporters have a First Amendment journalistic right to accompany police officers when they conduct their business?
6. Are your phone conversations protected from eavesdropping? How would you summarize the Court's policy on this?
7. What is the purpose of the Fifth Amendment right against self-incrimination?

8. Why did the Court make its ruling in *Miranda* and then reaffirm *Miranda* in *Dickerson*?
9. Have you ever seen the circus outside the Walls Unit every time there is an execution? There are people who oppose the death penalty. On what grounds do they oppose capital punishment? According to existing precedent, what chance do they have of challenging the death penalty as unconstitutional?

VI. Chapter 6

1. Is there a constitutional right to privacy? Where did it come from? What does it protect against? Why would some people and justices oppose the right to privacy?
2. Why does a woman have a constitutional right to an abortion?
3. Is this right absolute or are there allowable limits? What are these limits?
4. Do compulsory breath, urine, and blood tests violate one's right to privacy?
5. Recently in *Lawrence v. Texas* (2003) the Court overturned *Bowers v. Hardwick*. So what? Why is this significant?
6. Do you have the "right to die?" What does this mean? Why are people often kept alive against their family's wishes?
7. I overheard two old condo commandos talking about "assisted suicide." What is the right to be euthanized? What has the Court said about this?

VII. Chapter 7

1. How did the infamous case of *Plessy* set back civil rights for fifty years? What was the separate but equal doctrine?
2. What does the 14th Amendment do?
3. What was the Court's reasoning in *Brown v. Board of Education*? What did *Brown* accomplish? What were the criticisms of *Brown*?
4. Why did the Court revisit *Brown* in *Brown II*?
5. What were some of the obstacles during the implementation phase of *Brown*? What were some of the actions taken to secure compliance with the Court's ruling? How did each subsequent ruling affect civil rights?
6. Does the Equal Protection Clause of the 14th extend to privately owned restaurants and hotels, etc.?
7. What is affirmative action? How is it different than quotas? Is affirmative action still around today? In what form? How has it been challenged? What is your view?
8. Eventually the Court applied equal protection to women. Describe the Court's reasoning in striking down sex-based laws. Why were such laws unconstitutional?

9. Today there is again discussion of the military draft. It's just discussion so please don't jump out your window! As some would have it every fourth draftee would be female. Under current precedent could Congress draft only men?

10. Why is sexual harassment sex discrimination? When are employers liable for harassment? Have you ever been harassed?

11. Gay and Lesbian rights: Is discrimination on the basis of sexual preference an equal protection question? What Court rulings shed light on this question?