

CHRISTOPHER NEWPORT COLLEGE

DEPARTMENT OF POLITICAL SCIENCE

Political Science 363

Law and Public Policy

Learning Objectives and Resource Materials
Unit I: The Judiciary as Political Institution

At the end of the first unit students, as measured by at least 60 per cent completion of questions on a teacher-devised test,

- (1)...will demonstrate knowledge of the usefulness (and/or functions) as applied to the American political system of what Grossman and Wells call the "myth of mechanical jurisprudence."

Grossman and Wells, Constitutional Law and Judicial Policy Making, pp. 5-7.

- (2)...will demonstrate knowledge of the assumptions which grow out of the failure to view the judiciary in terms of the larger political context.

Jack Peltason, "A Political Science of Public Law," (Text, pp. 8-10).

- (3)...will demonstrate comprehension of law as the instrument of political power in institutional and human relationships.

Earl Latham, "The Supreme Court, Politics, and Political Theory," (Text, pp. 10-14).

- (4)...will demonstrate knowledge of three ways law or legal institutions may act as the instrumentality of social change.

Grossman and Wells, Text, pp. 14-16.

- (5)...will evaluate the prospects of "blue laws" performing an educational function using the seven-fold criteria set forth by William M. Evan.

William M. Evan, "Law as an Instrument of Social Change," (Text, pp. 16-20).

- (6)...will apply the functions of law in a primitive society to labor-management relations in an industrial society.

Adamson Hoebel, The Law of Primitive Man, (Text, pp. 21-24).

- (7)...will demonstrate comprehension of six ways that changes in the main currents of American thought have been registered in changes in legal doctrine.

James Willard Hurst, The Growth of American Law, (Text, pp. 24-26).

- (8)...will demonstrate comprehension of the distinction between judicial policy making and judicial norm enforcement.

Herbert Jacob, Justice in America, (Text, pp. 26-31).

(9)...will demonstrate comprehension of the application of systems analysis to policy making by the Supreme Court. Grossman and Wells, Text, pp. 31-36.
~~Goldman and~~

(10)...will analyze the policy making techniques used by the Supreme Court in Tinker v. Des Moines Community School Dist. and United States v. O'Brien to decide (or to avoid deciding) the limits of symbolic political expression. Grossman and Wells, Text, pp. 36-49.

CHRISTOPHER NEWPORT COLLEGE

Department of Political Science

Political Science 363

Law and Public Policy

Learning Objectives and Resource Materials
Unit II: Judicial Decision Making Processes

At the end of the second unit students, as measured by at least 60 per cent completion of items on a teacher-devised test,

- (11)...will demonstrate knowledge of the informal aspects of decision making processes of the Supreme Court of the U. S.

Grossman and Wells, Text, pp. 139-143.

William J. Brennan, Jr., "The Supreme Court at Work," (Text, p. 143-145).

- (12)...will demonstrate knowledge of the rules and procedures by which the U. S. Supreme Court selects cases to be heard and limits its jurisdiction.

Grossman and Wells, "A Note on the Jurisdiction of the Supreme Court," Text, pp. 146-148.

_____, "A Note on the Supreme Court's Certiorari Jurisdiction," Text, pp. 148-151.

Daniel Berman, "Justice Frankfurter and the 'Rule of Four'," Text, pp. 151-153.

Henry M. Hart, Jr., "The Time Chart of the Justices," Text, pp. 153-154.

- (13)...will demonstrate knowledge of the sources of the cases that come before the Supreme Court.

Grossman and Wells, "A Note on the Business of the Supreme Court," Text, pp. 155-158.

- (14)...will analyze the dynamic qualities of the procedures of opinion writing by the Justices of the U. S. Supreme Court.

John P. Frank, "Opinion Writing," Text, pp. 159-161.

Felix Frankfurter, "Justice Holmes and the Pipeline Cases," Text, pp. 161-163.

Robert H. Jackson, "The Uses of Dissent," Text, pp. 163-164.

Grossman and Wells, "A Note on the Frequency and Causes of Dissent," Text, pp. 164-167.

- (15)...will analyze the elements of the strategies used by U. S. Supreme Court Justices and the Chief Justice to achieve goals in judicial decision making.

Grossman and Wells, "A Note on Mobilizing a Majority," Text, pp. 168-169.

David Danelski, "The Influence of the Chief Justice in the Decisional Process," Text, pp. 170-175.

Grossman and Wells, "A Note on The Opinion Assignment Process," Text, pp. 175-176.

_____, "The Switch in Time that Saved Nine," Text, pp. 176-179.

- (16)...will demonstrate a comprehension of the pressures and expectation of parties to litigational activities which shape the environment in which decisions are made.

Grossman and Wells, "A Note on Environmental Variables," Text, pp. 179-181.

Clement Vose, "Litigation as a Form of Pressure Group Activity," Text, pp. 182-185.

Samuel Krislov, "The Role of the Attorney General as Amicus Curiae Before the Supreme Court," Text, pp. 185-186.

Jonathan Casper, "Lawyers Before the Supreme Court," Text, pp. 186-193.

Robert L. Stern, "The Solicitor General's Office," Text, pp. 193-195.

- (17)...will demonstrate a comprehension of the influence of the common law tradition on the environment in which decisions are made.

William O. Douglas, "Stare Decisis," Text, pp. 195-196.

Edward Levi, "Legal Reasoning," Text, pp. 196-198.

Benjamin Cardozo, "The Nature of the Judicial Process," Text, pp. 198-199.

- (18)...will demonstrate a comprehension of the process of recruiting judges and justices as an influence on the environment in which decisions are made.

Joel B. Grossman, "The Politics of Judicial Selection," Text, pp. 199-207.

Francis Biddle, "An Inside View of Appointing Supreme Court Justices," Text, pp. 207-208.

Grossman and Wells, "A Note on The Backgrounds of Supreme Court Justices," Text, pp. 208-209.

- (19)...will demonstrate a knowledge of theories and researching findings which relate social backgrounds and personal values of justices to their judicial decisions.

Joel B. Grossman, "Social Backgrounds and Judicial Decision Making," Text, pp. 211-214.

Joseph Tanenhaus, "The Cumulative Scaling of Judicial Decisions," Text, pp. 214-228.

J. Woodford Howard, "On the Fluidity of Judicial Choice," Text, pp. 228-233.

Learning Objectives and Resource Materials
Unit III: The Impact of Supreme Court Decisions

At the end of the third unit students, as measured by at least 60 per cent completion of items on a teacher-devised test,

(20)...will define the following concepts:

outputs
conversion process
outcomes as:
 compliance
 impact
 scope and character of responses
 resulting social change
legitimacy
law-abidingness
Grossman and Wells, Text, pp. 823-848.

(21)...will demonstrate the ability to list the criteria used to categorize judicial outputs.

Grossman and Wells, Text, p. 824.

(22)...will identify the reasons why it is difficult to assess the connections between later events and prior Supreme Court decisions.

Grossman and Wells, Text, p. 826.

(23)...will explain the internal (operational processes within the Court) factors that affect compliance to (and impact of) court decisions.

Grossman and Wells, Text, pp. 829-830.

(24)...will explain individual responses as an external factor that affects compliance to (and impact of) court decisions.

Grossman and Wells, Text, pp. 830-832.

(25)...will explain congressional responses as an external factor that affects compliance to (and impact of) court decisions.

Grossman and Wells, Text, pp. 832-838.

(26)...will explain presidential responses as an external factor that affects compliance to (and impact of) court decisions.

Grossman and Wells, Text, pp. 838-843.

(27)...will explain the responses of lower court judges as an external factor that affects compliance to (and impact of) court decisions.

Grossman and Wells, Text, pp. 843-846.

(28)...will explain three different conceptions of the contribution of the Supreme Court to change processes in society.

Grossman and Wells, Text, pp. 846-848.